

ITEM NO.15 Court 8 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14319/2020

(Arising out of impugned final judgment and order dated 18-02-2020 in MACAP No. 534/2017 passed by the High Court Of Delhi At New Delhi)

THE ORIENTAL INSURANCE CO. LTD. Petitioner(s)

VERSUS

SARDAR SINGH & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.122591/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date :07-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Pankaj Seth, Adv.
Ms. Manjeet Chawla, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for exemption from filing c/c of
the impugned judgment is allowed.

Learned counsel for the petitioner Insurance
Company makes a threefold submission:

- a) In an appeal of the insurance company without there being a cross appeal or cross objection, the amount has been enhanced by the High Court which is contrary to the law laid down in Ranjana

Prakash & Ors. vs. Divisional Manager & Anr., 2011
8 SCALE 240.

- b) The deceased driving motor cycle was a minor and thus the factor of contributory negligence should have been taken into account.
- c) An amount for loss of consortium has been granted of Rs. 1 lakh contrary to the amount set forth in National Insurance Company Ltd. Vs. Praney Sethi & Ors., (2017)16 SCC 680.

Issue notice limited to the aforesaid extent.

In the meantime, the operation of the impugned order is stayed.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[ANITA RANI AHUJA]
ASSISTANT REGISTRAR