

2025 LiveLaw (SC) 334

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
J.K. MAHESHWARI; J., ARAVIND KUMAR; J.**

February 10, 2025

CIVIL APPEAL NO. OF 2025 (Arising out of SLP (C) No. 27072 of 2024)

PARAMESHWAR SUBRAY HEGDE versus NEW INDIA ASSURANCE CO. LTD. & ANR

Motor Accident Claims - Discrepancy in the make of the vehicle cannot be a ground to deny a rightful claim when the vehicle's registration number and other key details are consistent and correctly mentioned. (Para 4)

[Arising out of impugned final judgment and order dated 18-04-2017 in MFA No. 103716/2015 passed by the High Court of Karnataka Circuit Bench at Dharwad]

For Petitioner(s): Mr. Manjunath Meled, Adv. Mrs. Vijayalaxmi Udupudi, Adv. Mr. Ganesh Kumar R., AOR

For Respondent(s): Mr. Amit Kumar Singh, AOR Ms. K Enatoli Sema, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv. Mr. Kailas Bajirao Autade, AOR Mr. Prasad Hegde, Adv. Mr. Gn Hegde, Adv.

ORDER

1. Leave granted.
2. Arising out of the judgment of the High Court dated 18.04.2017 passed in MFA No. 103716 of 2015 setting aside the award dated 20.08.2015 of the 1st Additional District & Sessions Judge, Sirsi in M.V.C. No. 121 of 2014 directing to pay Rs.40,000/- in a case of grievous injury along with interest at the rate of 6% per annum from the date of the claim petition, the present appeal has been filed.
3. On perusal of the findings recorded in the judgment of the High Court, it is clear that because of the change of make of the vehicle, i.e., TATA Sumo in place of TATA Spacio, the claim as allowed by the Tribunal has been rejected by setting aside the award.
4. After hearing learned counsel for the parties and looking to the fact that the registration number of the offending vehicle is KA-31/6059, was found involved in the criminal case which is one and the same, the finding of the High Court cannot be sustained. Even mere misdescription of the make of the vehicle could not have been treated as consistency or a ground to dismiss the claim petition itself, particularly when there is no change in the registration number of the offending vehicle. Therefore, impugned judgment of the High Court deserves to be set aside.
5. Reverting on the issue of grant of compensation, it is seen that the claimant had not preferred any appeal before the High Court challenging the adequacy of the award passed by the Tribunal. Therefore, we restore the compensation as directed by the Tribunal i.e., Rs.40,000/- (Rupees forty thousand only) along with interest.
6. It is to observe that for the period of delay in approaching this Court (1052 + 328 = 1380 days), the claimant would not get interest on the said amount and the compensation is directed be paid by the first respondent-insurer with interest excluding reducing the period referred to above.
7. In view of the above, the appeal stands disposed of.
8. Pending applications, if any, stand disposed of.