

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12313 OF 2024
(Arising out of S.L.P.(Civil) No.22552 of 2022)

ISLAMUNNISA ... APPELLANT(S)

VS.

MANNI DEVI & ORS. ... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent-Insurance Company.

After having perused the findings recorded by the Tribunal and the finding recorded by the High Court in paragraph 12 of the impugned order, we find that there was no reason for holding the driver of the Trailer liable only to the extent of 75% especially when no attempt was made by the Insurance Company to examine the driver of the Trailer as a witness.

Therefore, the appeal must succeed and we direct that the appellant will be entitled to 100% compensation as fixed under the impugned judgment of the High Court.

We grant time of three months to the respondent-
Insurance Company to comply with this order.

The appeal is accordingly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
November 11, 2024

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). 22552/2022

(Arising out of impugned final judgment and order dated 14-09-2021 in FAO No. 3203/2018 passed by the High Court of Judicature at Allahabad)

ISLAMUNNISA

Petitioner(s)

VERSUS

MANNI DEVI & ORS.

Respondent(s)

(IA No. 190249/2023 - EXEMPTION FROM FILING O.T.
IA No. 175046/2022 - EXEMPTION FROM FILING O.T.
IA No. 190246/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 11-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Mr. Nishant Singh, AOR

For Respondent(s)

Mr. Jagdish Chandra, Adv.
For M/S. Acn Legal, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)