**IN THE SUPREME COURT OF INDIA**

**EXTRA-ORDINARY APPELLATE JURISDICTION**

**SPECIAL LEAVE PETITION (C)NO. 17375/2025**

**NALINI & ORS.** **PETITIONER(S)**

**VERSUS**

**THE BRANCH MANAGER UNITED INDIA INSURANCE CO LTD** **RESPONDENT(S)**

**O R D E R**

**1. The present Special Leave Petition arises out of the impugned judgment dated 12.07.2024 passed by the High Court of Karnataka at Bengaluru in Miscellaneous First Appeal No.5175 of 2018 (MV-D).**

**2. The facts of the case reveal that a claim petition was preferred by the dependents of the deceased, *Surendra Acharya, son of Late Appayya Acharya*, who died in a road accident that took place on 31.10.2013 at about 6:45 p.m. on account of the rash and negligent driving of a Scooter bearing Registration No. KA-19-EC-1420. The legal heirs instituted a claim petition before the Motor Accidents Claims Tribunal, D.K., at Mangalore. After considering the evidence on record, the Tribunal arrived at the conclusion that the deceased met with an accident and sustained serious head injuries, multiple fractures and other injuries all over his body. The deceased was shifted to the nearby *Shrinivas Hospital, Mukka*, where he remained bedridden before succumbing to the injuries on 24.04.2014. The documents relating to his treatment are also on**

record. On consideration of the same, the Trial Court while allowing the claim petition, awarded compensation of Rs.18,25,000/- along with interest at the rate of 6% per annum from the date of the petition till realization.

3. Respondent No.1, *United India Insurance Company Limited*, being aggrieved by the award passed by the Trial Court, preferred an appeal under Section 173(1) of the Motor Vehicles Act, 1988, against the award dated 14.03.2018. The learned counsel appearing for the Insurance Company submitted that there was no medical evidence on record to prove the cause of death, and that the body of the deceased was not subjected to post-mortem examination to establish a nexus between the injuries sustained on 31.10.2013 and his death on 24.04.2014. Paragraph No. 3 of the impugned judgment dated 12.07.2024, reads as under:

> "3. Shri O.Mahesh, learned counsel for the appellant, argued that there is no medical evidence on record to prove the cause of death and the body of the deceased was not subjected to a postmortem to establish a nexus between the injuries sustained on 31.10.2013 and the death on 24.04.2014 at his residence. Therefore, in the absence of any material to substantiate that the deceased succumbed to accidental injuries, the impugned award passed by the Tribunal is not legally sustainable."

4. Based upon the submissions made by the learned counsel for Respondent No.1–*Insurance Company*, the High Court, in paragraph No. 6 of the impugned judgment dated 12.07.2024, observed as under:

> "6. The charge sheet materials at Ex.P.1 to 4 indicate that the deceased sustained accidental injuries on 31.10.2013 to his head, which is also

> evident from Ex.P.7. The accident took place on 31.10.2013 at about 6:45 p.m., and he died at his residence on 24.04.2014. The claimants have not produced any medical evidence to establish a nexus between the injuries sustained on 31.10.2013 and the death on 24.04.2014 at his residence. In the absence of any material to substantiate the same, the impugned award passed by the Tribunal is not legally sustainable. Accordingly, I pass the following:
>
> **ORDER**
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> i. The appeal is allowed.
> ii. The impugned judgment and award is set-aside and consequently the claim petition is dismissed.
> iii. The appellant is permitted to withdraw the amount in deposit before this Court."

5. This Court has carefully gone through the aforesaid paragraph No. 6. The High Court has not considered the evidence on record while allowing the appeal preferred by the Insurance Company. The High Court has brushed aside all the documents that were marked as exhibits during the trial and, merely on the basis of the statement made by the learned counsel for the Insurance Company that no post-mortem examination had been conducted, allowed the appeal.

6. In the considered opinion of this Court, the Tribunal passed a well reasoned order awarding a sum of Rs.18,25,000/- to the claimants. In view thereof, the impugned judgment passed by the High Court deserves to be set aside, and it is accordingly set aside. The claimants shall be entitled to the awarded amount along with interest at the rate of 12% per annum from the date of the petition till realization.

7. With the above observations and directions, the Special Leave

**Petition stands disposed of.**

**8. Pending application(s), if any, shall also stand disposed of.**

..............................................................................**J.**
**[ SATISH CHANDRA SHARMA ]**

..............................................................................**J.**
**[ NONGMEIKAPAM KOTISWAR SINGH ]**

ITEM NO.50 COURT NO.17 SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**
**RECORD OF PROCEEDINGS**
**PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 17375/2025**

**[Arising out of impugned final judgment and order dated 12-07-2024 in MFA No. 5175/2018 passed by the High Court of Karnataka at Bengaluru]**

**NALINI & ORS.** **PETITIONER(S)**

**VERSUS**

**THE BRANCH MANAGER UNITED INDIA INSURANCE CO LTD** **RESPONDENT(S)**

**Date : 17-07-2026 This petition was called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA**
**HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH**

**For Petitioner(s) :Mr. Asutosh Sharma, Adv.**
**Mr. Sanjeev Kumar Aggarwal, Adv.**
**Mr. Himanshu Gandhi, Adv.**
**Mrs. Gunjan Sharma, Adv.**
**Mr. Sanjeev Kumar, AOR**
**Mrs. Neeta, Adv.**

**For Respondent(s) :Mr. Pradeep Gaur, Adv.**
**Mr. Amit Gaur, Adv.**
**Ms. Kaartikey Parashar, Adv.**
**Mr. Rameshwar Prasad Goyal, AOR**

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

**1. The Special Leave Petition stands disposed of in terms of the signed order which is placed on the file.**

**2. Pending application(s), if any, shall also stand disposed of.**

**(JAGDISH KUMAR)** **(KOMAL)**
**ASTT. REGISTRAR-cum-PS** **COURT MASTER (NSH)**