

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 60651/2026

[Arising out of impugned final judgment and order dated 28-01-2026 in FA No. 665/2022 passed by the High Court of Gujarat at Ahmedabad]

NASIMBIBI & ORS.

Petitioner(s)

VERSUS

CHOLAMANDALAM MS GENERAL INSURANCE CO LTD & ORS. Respondent(s)

IA No. 310775/2026 - CONDONATION OF DELAY IN FILING

Date : 16-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UJJAL BHUYAN

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) : Mr. Mehmood Umar Faruqui, AOR
Mr. Zeeshan Ali, Adv.
Mr. Amit Panday, Adv.

For Respondent(s) :

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

1. Delay condoned.
2. Petitioners were the claimants before the Motor Accident Claims Tribunal (MACT) seeking compensation for the death of the deceased who was a cleaner and helper in an Eicher Tempo. MACT awarded total compensation of ₹19,29,760/- (Rupees Nineteen Lakh Twenty Nine Thousand Seven Hundred and Sixty Rupees Only). This award was assailed by the first respondent before the High Court of Gujarat (briefly the 'High Court' hereinafter).

Petitioners did not file any appeal before the High Court seeking enhancement of compensation.

3. By the impugned order dated 28.01.2026, High Court dismissed the appeal preferred by the first respondent.

4. In Special Leave Petition before this Court, petitioners seek enhancement.

5. We are of the view that petitioners, if aggrieved, ought to have sought for enhanced compensation before the High Court. Having not done that, it is not permissible for the petitioners to approach this Court in Special Leave Petition seeking enhancement.

6. In the circumstances, we grant liberty to the petitioners to approach the High Court by filing appropriate appeal seeking enhancement of the compensation awarded by the MACT. If such an appeal is filed within a period of six weeks from today, the same shall be entertained and considered by the High Court on its own merits.

7. Special Leave Petition is disposed of.

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

(IRAMNAZ)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)