

**SUPREME COURT OF INDIA**

National Insurance Co. Ltd

Vs.

Mayawati

C.A.No.6528 of 2008

(S.B. Sinha and Cyriac Joseph JJ.)

24.10.2008

**ORDER**

1. Leave granted.

2. Having heard learned counsel for the parties, we are of the opinion that the Tribunal having found that the driver of the vehicle in question did not possess an effective and valid licence and, therefore, while directing the appellant to pay the amount to the claimants on the premise that they were third parties and recover the same from the owner of the vehicle, the High Court while entertaining the appeal of the appellant could not have set aside that portion of the order. The impugned judgment, therefore, cannot be sustained.

3. It is stated at the Bar that a part of the awarded amount has been deposited before this Court which has been invested in a short term Fixed Deposit and a part thereof has been deposited before the M.A.C.T., Gonda apart from an amount of Rs.25,000/- deposited before the High Court by way of statutory deposit.

4. The claimant-respondents will be entitled to withdraw the aforementioned amount from this Court,tribunal as also the High Court.

5. However, it will be open to the Insurance Company to recover the amount deposited by it from the owner of the vehicle.

6. With the aforementioned observation and directions, the appeal is disposed of.