

(2008) 12 SC CK 0077

In the Supreme Court Of India

Case No : Civil Appeal No. 5191 of 2002

M.V. Umang and Others

APPELLANT

Vs

Kamla Kant Dube (Dead) thr. Lrs. and Another

RESPONDENT

Date of Decision : 16-12-2008

Acts Referred:

Citation : (2008) 13 JT 12(1)

Hon'ble Judges : R. V. Raveendran, J;J. M. Panchal, J

Bench : Division Bench

Final Decision : dismissed

Judgement

1. This appeal arises out of a decision regarding jurisdiction in a suit filed by the LRs of an employee of the first appellant, for additional compensation/damages. The appellants have approached this Court feeling aggrieved by the decision of the High Court on the issue of jurisdiction.

2. The matter was referred by this Court to mediation on 15.10.2008. The parties, accordingly, appeared before the Delhi High court Mediation and Conciliation Centre and have settled the matter. The Mediation Centre has submitted the 'Settlement Agreement' under cover of its letter dated 8.12.2008. Under the said agreement, the appellants have agreed to pay Rs. 11,20,000/- (Rupees eleven lakhs twenty thousands only) over and above the payments already made, to the respondent No. 2 (mother of the deceased).

3. When the matter came up today, learned Counsel for the appellants handed over Demand Draft No. 205840 dated 8.12.2008 for Rs. 11,20,000/- drawn in favour of the second respondent-Smt. Santosh Kumari Dubey (issued by the ABN Amro Bank, payable at HDFC Bank, Allahabad). The learned Counsel for the respondents acknowledged receipt of the same. A copy of the demand draft is also made available to the Court. Both the parties also confirm that neither party has any outstanding claim against the other.

4. In view of the said payment, Admiralty Suit No. 33/1997 on the file of the

Bombay High Court, stands disposed of as settled out of Court.

5. In view of the above settlement, the question of territorial jurisdiction raised by the appellants does not require consideration and is left open.

6. The bank guarantee said to have been furnished by the appellants for a sum of Rs. 45,00,000/- (Rupees forty five lakhs only), filed before the High Court, shall be discharged and returned to the appellants.

7. Appeal is disposed of accordingly.