## Karnataka High Court

2

The New India Assurance Co Ltd vs Smt Vijayalakshmi Sridharan on 12 November, 2010 Author: L.Narayana Swamy

```
E? fifi Efififi Cfimi' GP KfiR§%'&TfisE{fi; K3' B£:E%'Gfig§:G{E §;
mmm mg TEE 12% my m' yggwmax L'
B§§'QRE
TEE Hf3R"BLE gm, wmcg :m:;m.%m:§3%:%$*§é.a§§?&;'«k kk
ma E€e.6.S3=é--! ESQ?' (Egg;
BE-TWE-EH: J ' L
fifi Raw amiss A$$:3Rgfi€Ef%%%
cawafiv L%"I"E»B§ V "
fiazmmzmg \sim -- **53 =
fimsufia yrs Esszmgza F __i1".?§§§
zmmsaxzmmgg £:1*€§E;}®,"~ % % %
magma awe}? % {maxi 62$:
REP. E35' a$3; I$.=:%:':§; §*'E. ~
SR1. i::.EL S§,i.B,R£a1%'*a§s%R1'z*';'§.; 4 %
                                                   &P%LLAHT
£33' SE: mag am»; }
é % fiefigéxggrag, Imam,
% mag ';%E/$5? 54 yaaxa
2: l. §gg:.,:e*g §%a%§@§?
fégiiz LME sasgm
X T afifiizfiaamwzsygaa
     mg msmgm ass §a.3.:*:=*;:a
$1-::.I:2<::»: gmmrr, L$§fiR&.§£sR§E£§§
§fi; §%£§$§E «-e 5% 38%
§E=;?§RE§§§E§%"'fi
2 " gay 33; R Q}-*Efi§3E§§.S1+§K.A.E§ gfim mg m 3% 3,3
```

```
5k
'x
Κ
'\
ms M.F.§.. ES Fmfifi 3:33 {1} Q? kw ACT'
éamms? '§'E$ Jfimervmrrr Arm £sVé'AEB Dh'Z'E§
zzwigfiar? ?A*&SE§ 33' mm Hs,4--41s;'2m§4 GK fim»
ma <3? gmmgfi mmgfi; B&E§'§A}£.GRE, $2339,
Awmfimfi a aslsmfisafiafi 0? Ra,3,4{},i8e'%[- Wm
mmggs? @§% 1%. max TEE; mag Q? Pmmay
ma SE-Pfifii'.
ms §gE,F.A. cama GR ma
DEE', '§"E$ QQQE BELPJEREE 11$;
apgi is fifi by
chazzgngm the gfuamenz V.fif*.t$\$\$.i2\$j{9}\'.2 {\${3?}}
gaaaafi in M95 §ia.@4~i*5f2€_§}5§ f"1l:<é"£zsf'V»vL.%'z.1dmge§</pre>
rsaémz Qf lfiabélityfi
3? °E§ y" 333$ aw&'&; 216%
 Ems; ef ¥ Efléfigififif =~ with
": §,z;% §: agmfim fram. iifza fiaia af paiitiatz iii}
diagwaigg
A iawmai mzmsa}. far fix appalmt.
x gm: the mkygze m Id '£9 have men fa-mma in
gmifimt :3 fa%&E§ imyfimiaég 'Fh& &%&$& >> Sris
' ' '1 mi 'wmmm $1' film
```

'R

```
mmgainiz ma "mm mafia by fim ciawmarzi: mfg is have
i'akawmn§z1éga§z'z'Fk'w'§'m'huma1 has erraaigfizmt
flQfl~iE§fi n{ sf hm mhicle in the aflged
mfi the méanm af 36:35: in 3.
'E; 'Eheugh this
wdum {ha magma 3%' am am 3% W
5:15 daazmants as per Ex.R.i <::ri1f':::4':itn};a$ mt
been cansfisrfi g'upsa2~}::y:- has
humn
       d,é %@s§:i at EXRQ wimeizg
        gflkfi that an
hm hag
E4,§3¢.§Q9f§~, as asigzmé far his marmng'
é a 5&3 5:: 33% gag fium
325$ father had mat with an amécéant
V by -
' " . 1
            and «g
 aémftteé E3
kg was fihififi gs Igfiazziwl
 mfi tim imfinrad éied G33; },%,{%:E2fifi4, Tim
 éf aha gfifiimnfi 5&2 Ems 'iissm fgisiarefl is
 "' §§Q,é5g'§§€%4» far
Swtisiz 275%; 33?? 33% :5; 231' EFC ma aim ilflfifii" 1&1'? fiat
'K
```

```
mama: far the appeljgmt
aazbmittafl fizat 9,5 per tfm camplairzi at EXFZE, A'
2%.? on mm ma gimme mil mi 643% aim?"
fathar hm aamfma m mg, "
was ahiffi ta Mafiyai
has am: mfaryfi am whiela " i;».€¥uim: m
in tlha az::c:1d' am! in Sam was
rgsiatamd agam It ia
cm fimm
         did mi:
km?
    acaidenf, 'mi: 3% charge
gm: at tfm
h§V'£k,fl'fl§3;&£' 333% $3 £z:w§wed mxé; in thg
 * 3 ::
1% $'§$:§£$ élzizai 33$ was me: riéirag
 :; z»za.§g-~a3~~m~22%a whizh; wag
   Qhagg § He 'Q33 mi gkrmsnt at tiw
    tim amsdm: mad at the aaifi date mg ma. «mg,
¥'ra%:* Tawfi. Feiiaa ta smflmi firm saw
vézaifirzg Framr '§'fi*a:°fi whim sdkatimn fiw fir aka
draw" '% licefirm wag flfii deéitaémé; ¢::§;§ 1& figim " "
mt fificafl' Es ans, Iwt mm tE3;¢?-._a~a§:rs3§* fi§i"._i:}:r§'
```

```
referred in the shagg of
K.Gma . Re 3.3 gm: &wg 3\siaf\(\epsilon\frac{1}{2}\)ft sa;:!3,;at sf the
vahzéig 311% he was apwlknt
aka
 'figzef he aha
deriimi 5ff:'3f' --3fve§*~.gia§'».:; aha abczsut rm
   335%? mafia}; w
:21: = écsmgmai far rm appellant
guidance 9% R'§§'s.l
aszifiméttaafi in v%« '
'1";a§.. $£vt}m mhimée 31$ mtafly «x 'E13
 ans Srf.S:2%haraa mm hag
  Véfi Er: his
  :é,§.3,2m4 3;: ma am, Em wag
   mm Elma: Pairs: Stfifik E-E::»u§e§ at
V V V ' . , ;'mn%m'::\$:c\e
; §amK.§._w§3»E§w§§*$8 sigma hy its
='T 6%': Suraéfizzéag Etélaisz 233% ix: a ::
=(
```

```
a rash, and ¢fi¢?. magma'; witimui ehaefm m%
m% 3.3% fi5fi3 and wi?.mem: giv?@ any sigma}
dashai ts; rm gawfltrm ficm mm ?naa}wj 3:de:.a
was shims: m Béimzépal
am fzzrmr he fixfazmad the pclém abeui
nwbwx His stafamwt Fa
a*?fatm}¢nt ymrégafi by tha
thm 23 an inxmmsémmngéyv
siatsamnt ef Esx.§,§.~SL1§barg:s=~~ é;3:a.rr1i*:§.sd as
P%i2 mm témi: an with Izia
 wax gang 2% gig' gag": Q;
61¢ Zkiaéraé 3% amififint at ahmz:
 Whiéig. .ff*..,1r;::?: figmgaé asgmfimzzgfiai 22:3
 "i:33.@ af :2» vairzigig as §{fis{%:;"§«E€'£~
£2'. £3 $2 Eéw Eaat para af Erig ataizemerzt
 sté§:;a§'%.h$.§ flaw mafia aiafimgz ta aéatfia flag vaizifiia
   ggfi away mm wiser: mg"
wag mi: ffiriiflé fig; tiw §§:-st, hargmg tiwg
  'iige pfiigim :3 miae gefimz ahmg: kgmfxg aha
afiifiéssgsia 32$ mid &3m§3a?mt ifififi madfi $2': §..§,{§3,2$3*§«§
"<
'a
```

```
'3'
ma gamaa was
'iaréii ma Circia Erla§xa$¥',:.';:*. c«§'
Fciiw} Enéranga? an flfififiéflfiéa Tim :2
far fig appgiimzré: ftzrtm sizbzaaittéci $13: H
in thfi vi: fifidaenae and stafzfimifa.-:W§3.tA_ in E§§A: ;§3_,3;V
gtzea quite ixszziraxy' mfifi ixmizfiisigagxézggé V'
evifimmag has says fiiat he
Eséazfipai hfiapitai but at E ::;:§;1 whm
L bank $pe.2.'§" was mt
prwcrzt anfi kg was
   the am:Cd.&r2t,,
Eu: 3%: 3:%:€.E.i§ {hay wem gairg ta film
afawrg E1:é9? . V8998%:%:é5'9:8*$e aa$98.5;fi9 2:; am; fif gm
fiififfififig $13 § mmmei far fiw
 ghai ax aimmgt ig mafia is have 3
  "zgaéa {£2 :;.a:a:.gisrlfir szzf Fgiim esrhiefi 32$
 §aa'§l3* he tkmi 32% aifitfimant
```

У

```
izmmatar srfiy afcfi ma mafia fiizm ifia
" .. ' ';§§:§£d¢mt W§:*'2.i$E: £3 magi Etiiprafiiécafih
59 E2": thé aamyiafzzzt $3 $1" E:-::.§s§, fim wiiféfiiwr
Eafi gtgiaa am: Eifi mg fmiwfi magafiags fffim; Fifi
*6
'\
g g@gg§~
 ..§5;e:§§a§mfi Wham
iimsqzsfxiai abmzt his fat}-um Eu': ?W.§ Safifiwaa $.a3$ %:§:':a,t
has admkttad the ifiiiilifififi is
héfiyiéaii Sigma ?%3; 3 an gym veféiggzfig ~ " " V
E931 Em the ma: 3? the éamaaaq é§§m§£..%: --:'% z?*3;i§G1E:::."'i§".&VtfgkA:"cI1.T :
far that purwae sf ¢«:rmper§ai.%:*:§_§t -mézaii
an fix mt': sf sfihmm 'aka 1%.?
1:233 mafia 3. ciafm as =§'%§;%z§tml?f €*§§~i'¢1§'4,s;widaz1t. 1%
magma: midarm £.;rj.
                        far fix
m___ said we quits
```

'E'. Em  $\square$  mama} { $\square$  Ek ap@1§:g\*;§:\_ "éguxmei far the msporzsiexzz i $\square$ ' Wgzggzs mag by gig mg mg ma. . \* Egaw aigm  $\square$  aim  $\square$  ag  $\square$  ya  $\square$  angr §a.1 ééwé wizgn E12 was an 3; magi: 3:: §:'§h§3gQ§§.:3§x 'fig vehiai $\square$ ;'£Yg§§{ég--=\$3»EG«2'i24~§ mm  $\square$ hs}. mgi $\square$ 12::-s mm '§ maxim :a his §m2:, in ma aéaiamagit filaad as; sf {ha izzsuxanw mmgaxy  $\square$ e ixzmzramm mi-:51}, sgasiirig gcsan $\square$ that 3.3 'ié 9:' " 2 the meter \$E amd 3353 v'»;§ak;g§..:' misregmamaufm made b\_=,x=5:.«L::;f itma §.f=§§is:;%§ ga $\square$  emézzem, Q Tkm ggémgn for the  $\square$  aftér two:

man □a ag fay □w □nrxie wh □rairz; he gave:

'fha £3? mmg ☐aézzt at Ea§.P,2 by 231:: aa§::»s;wf % Ems fi ☐. §i&& '£235 i2'§§'é.3.%£ gmézgzax ☐at EXEE Z \_tI?1.e\$E1£:i£ R ☐htigr arm i ☐ ☐m §?§ £3 gar Ex ☐ ☐' fwm rmktermd agaitzsé. mfemawn

veaizisia. VT éim grzatigm éf tim gmi □g □ a □ izifat □w □ mxm \$152 di □ mt aesuamz ?%:;§ ségga □ □ gf' F%?§ 3% pg: 53.3,: dsm □' < E □ §5.;%3;2i §\$4s~, am aamg was rmizxé §; 2% mike an %S§.2SQ~4~ that ia aftm iwa mnzztfi□ '?im irzfusrmr svfz □ á staigz □ zant wag mmrciacl 'aa §'\$r & the wiim as per E-x,R,}; 3 mt tm □ gmhza gm sf gm s □ atmgrrzz \$1 tlag a □ davét mré □ enam ané §;sa!@\$i£inFr2.§ it i& €2,111 □ V m In hm a □ av §:£ e~a:a § a;§§a Em §h □ the wag Emma: :.§.=:§:€gaw écnai □ ent but in ha 'wag gzaizg its me a □ w □ Ew swim 21%};

his mzmm. n % §aa'§.a?'v£ew\*' %;L§éa an 1§.§3§2m4» 'bu: am am 3Z\*a□\\$V' "" the w□m er; 3\\$.%2%é\\$ ggggmas mag & a\\$m\\$t£;sé.\\$ sigma Sim Z £23 Ezsspimi, \\$25 □\ti□mmr at 33.92 mg ha rwsssm \\$hé::□«sail fmm Eécagiai a®:\\$J:

VT an a□rfma of irks émisr 31¢ Emgieitai. □w érmengi□t□my is w}3e□t::ar frag K .~ ,a?33'@ \*:"é':. &t ;'"§ aigizrzg :1 -1.: ii injureé W33 1% {ha mnipai 6:37 am hQspfi£a \_L:'f: in aka izzmzzgiaimxzzgr fau□□mm □m .

11. 1% m' \$9 claaw sha ta af,jE§§:.?';3;\_;, Rum: tiw &m tat. tié I§s.E€A~%wE§~2\*2-48? am: in [%§gm that Im 53:13: \$3 owna sari' tha ahagé sheaf; mz ms: m cm am 3&3 rz tam. E211: Quins he thai he has mmmizzeé ha was g ng m the the aarty mam \$36 am'. am has §e3% am; in 21% to mean and the same are 4:21' am smhiek mhmm aim: 333\$ a to tak A' tifmz has 11% mi seem: the awzmé at \$223? gm: ef 23% gm: ag to ag t

- v """ Sgabhma□is mi {km rmaiémft af \$3: ha is rwidmt azf T 3% 3 %m 3% a hzm□mma mm mzé 23- -T stahw ' H H 'T 1% m□mt 31\$ 13% gm: '£39 £333 33:' \$11» ma□a □æfam £213 'I'ribumE§ it :23 mi autama□æa□y \_§':;§?- '£"m%u%3. is gram:

m ☐y 9:: the shim petitiézz \$233. av ☐eram, Ska '§:ib:;m§\_. " " the matméai am ☐akie in the ☐auéui ☐zzt thing, Emg is . .-\*:,.;f £3911:-'E. mwrime is Iapae an ☐x my: \$16' such Iawa 3221 tlag ☐g. " 'E"h\$ 5:11:

☐m "E'ri'm;mi is amt ?;é%\*§!Zi\$;

égz éewsié is ⊈ rafun ☐aé is ".

sdii 13,596