

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2640/2007

(From the judgement and order dated 26/06/2006 in WP No. 17/2005 and
6.12.2006 in RA No. 180/2006 In WP No. 17/2005 of The HIGH COURT
OF UTTARANCHAL AT NAINITAL)

VIMAL BAHUGUNA

Petitioner(s)

VERSUS

ORIENTAL INSURANCE COMPANY & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 14/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Indu Malhotra, Sr. Adv.
Mr. Abhinav Agnihotri, Adv.
Ms. Shashi, Adv.
Mr. Vikas Mehta, Adv.For Respondent(s) Mr. Sanjeev Agarwal, Adv.
Mr. Yunus Malik, Adv.
Mr. Prashant Chaudhary, Adv.UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed holding the writ petition as
maintainable. the High Court will now decide the matter on its
own merits as expeditiously as possible.[Charanjeet Kaur]
Court Master[Vinod Kulvi]
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 4271 OF 2007
(Arising out of SLP(C) No. 2640/2007)Vimal Bahuguna
Versus

.. Appellant(s)

Oriental Insurance Company & Anr.

.. Respondent(s)

ORDER

Leave granted.

We have heard learned counsel for the parties.

The High Court has dismissed the writ petition on the ground that it is not maintainable since "the Oriental Insurance Company is not the instrumentality of the State within the meaning of Article 12 of the Constitution."

The learned counsel for the respondents fairly states that it cannot be said that the respondent insurance company is not an instrumentality of the State. The writ petition is, therefore, maintainable. Since the petition is disposed of only on that ground, without entering into merits of the matter, we have not heard learned counsel for the parties on merits.

On short ground, the appeal is allowed holding the writ petition as maintainable. The High Court will now decide the matter on its own merits as expeditiously as possible.

.....J
[C.K. THAKKER]

.....J
[D.K. JAIN]

NEW DELHI,
SEPTEMBER 14, 2007.