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SLP(C)No. 4759 OF 2002
ITEM No.37

Court No. 6

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.4759/2002

(From the judgement and order dated 03/07/2001 in FAO 2912/00
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

UNITED INDIA INSURANCE CO. LTD.

Petitioner (s)

VERSUS

SAGIR HUSSAIN & SAKIR HUSSAIN & ORS.

Respondent (s)

(With prayer for interim relief)

With

SLP(C)No.12046/2002, SLP(C)No.12203-12205/2002, SLP(C)No.14593/2002,
SLP(C)No.18010/2002, SLP(C)No.18295-18296/2002, C.A.No.1831/2003,
SLP(C)No.19328/2002, SLP(C)No.19524/2002, SLP(C)No.19551/2002,
SLP(C)No.19816/2002, SLP(C)No.19878/2002, SLP(C)No.23004/2001, SLP(C)No.3190/2003,
SLP(C)No.3370/2003, SLP(C)No.3756/2003, SLP(C)No.4144-4149/2003,
SLP(C)No.4374/2003, SLP(C)No.5124-5125/2003, SLP(C)No.5353/2002,
SLP(C)No.5424/2003, SLP(C)No.5509-5510/2003, SLP(C)No.5693/2003,
SLP(C)No.5983/2003, SLP(C)No.6090/2003, SLP(C)No.6468/2003, SLP(C)No.6710/2002,
SLP(C)No.7096/2003, SLP(C)No.7201/2003, SLP(C)No.7368-7369/2003,
SLP(C)No.8120/2002, SLP(C)No.827/2003, SLP(C)No.8618/2002, SLP(C)No.9961-9962/2002

Date : 23/01/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Petitioner (s) Mr.Vishnu Mehra, Adv.
Mr.Joy Basu, Adv.

Mr. B.K.Satija, Adv.

Mr.Pramod Dayal, Adv.

Mr.Atul Nanda, Adv.
Ms.Veena Nanda, Adv.
Mr.PN Puri, Adv.

Mr.C.Ravichandran Iyer, Adv.

Mr.M.K.Dua, Adv.

Ms.Pankaj Bala Varma, Adv.
Ms.Kiran Suri, Adv.

Mr.M.P.Shorawala, Adv.
Ms.Shashi Kiran, Adv.

Dr.Meera Agarwal, Adv.

Mr.Ramesh Chandra Mishra,Adv.

Mr.KL Nandwani,Adv.
Mr.Vinod Khanna,Adv.
Mr.K.K. Narang,Adv.
Mr.Sameer Nandwani,Adv.
Mr.S.K.Mishra,Adv.
Mr.Debasis Misra,Adv.

For Respondent (s) Mr. S.S. Khanduja,Adv.

Mr. Ranbir Singh Yadav,Adv.

Mr.Kishore Rawat,Adv.
Mr. M.K. Dua,Adv.

Mr.H.K.Puri,Adv.
Mr.Ujjwal Banerjee,Adv.
Mr.S.K.Puri,Adv.
Mr.Shiv Gupta,Adv.

Mr.Ashok K.Mahajan,Adv.

Mr.Gaurav Banerjee,Sr.adv.
Mr.Shiv Kumar,Adv.
Mr.Pramod Dayal,Adv.

Mr.P.Narasimhan,Adv.

Mr.A.K.Raina,Adv.
Mr.Anil Kumar Jha,Adv.

Mr.Dinesh Verma,Adv.
Ms.Suresh Kumari,Adv.
Mr.A.P.Mohanty,Adv.

Ms.Naresh Bakshi,Adv.

Mr.Prem Malhotra,Adv.

Ms.Madhu Moolchandani,Adv.

Mr.Gaurav Jain,Adv.
Ms.Abha Jain,Adv.

: 3 :

Mr.Vikas Sharma,Adv.
Mr.K.S.Bhati,Adv.

Mr.Ratan Kumar Choudhuri,Adv.

Mr.Ejaz Maqbool,Adv.

Mr.Rakesh Dahiya,Adv.
Mr.Mahabir Singh,Adv.

Mr.Neeraj Kumar,Adv.
Mr.Aditya Kumar Chaudhury,Adv.
Mr.Bharat Singh,Adv.
Mr.Sanjay Singh,Adv.
Mr.Ugra Shankar Prasad,Adv.

Mr.S.Ravindra Bhat,Adv.
Mr.Sanjay Sharawat,Adv.
Mr.Naveen R.Nath,Adv.

Mr. RS Hegde, Adv.
Mr. Chandra Prakash, Adv.
Ms. Savitri Pandey, Adv.
Mr. P. Devesh, Adv.
Mr. P. P. Singh, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Yatish Mohan, Adv.
Mr. Kirit S. Javali, Adv.
Mr. E. C. Vidya Sagar, Adv.

Mr. B. K. Satija, Adv.

Mr. Sanjay Jain, Adv.

Mrs. Sureshta Bagga, Adv.

Mrs. D. Bharathi Reddy, Adv.

Mr. R. C. Kaushik, Adv.

Mr. A. P. Sahay, Adv.
Mr. Satish Jaglan, Adv.
Mr. Kuldeep Singh, Adv.

Mr. Rajinder Mathur, Adv.

: 4 :

Mr. Anil Hooda, Adv.
Mr. Kaushal Yadav, Adv.
Ms. Shobana Saifi, Adv.
Mr. Harinder Mohan Singh, Adv.

Mr. K. S. Rana, Adv.

Mr. P. K. Manohar, Adv.

Dr. Sushil Balwada, Adv.

Mr. Ratan K. Chaudhari, Adv.
Mr. P. N. Puri, Adv.

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

SLP(C)Nos.18010/02, 19524/02, 19551/02 & CA.1831/03:

The issue involved in these cases namely whether the insurer is liable to the third party claimant when the vehicle was being driven by a person having an invalid licence when the accident occurred, prima facie appears to be covered by the decision in National Insurance Co. vs. Swaran Singh & Ors. However, the matters are adjourned by one week. No further adjournment will be granted.

SLP(C)Nos.4759/02, 23004/01, 8618/02, 8120/02, 12203-05/02, 14593/02, 18295-96/02, 19328/02, 19816/02, 19878/02, 12046/02, 6710/02, 827/03, 5353/02, 4374/03, 3756/03, 5983/03, 7096/03 & 6468/03:

These matters are squarely covered by the judgment of this Court in National Insurance Co. vs. Swaran Singh & Ors. Hence these special leave petitions are dismissed.

SLP(C)No.9961-62/02, 5124-25/03, 5693/03:

These special leave petitions are dismissed in view of the decision of this Court in National Insurance Co. vs. Swaran Singh & Ors. However, the petitioners will be entitled to recover the amount paid to the claimant from the insured.

SLP(C)No.4144-49/03, 5424/03, 5509-10/03 :

Delink these matters.

The petitioner is directed to effect service on the unserved respondents within a period of six weeks. Dasti service is permitted in addition. In default of effecting service within 5:

the time specified the special leave petitions against the unserved respondents shall stand dismissed.

SLP(C)No.3190/03:

Since the issue raised before the High Court was that the amount of compensation was excessive, we see no reason to interfere with the order of the High court. The SLP is dismissed on this ground alone.

SLP(C)No.6090/03:

List for final disposal.

SLP(C)NO.3370/03:

Delink. List on next Friday.

SLP(C)No.7201/03:

The issue involved in this case namely whether the provisions of the Motor Vehicles Act can be read into the Workmen Compensation Act is not covered by the judgment in National Insurance Co. vs. Swaran Singh. Accordingly the SLP is delinked.

Counter affidavit will be filed within four weeks and rejoinder within three weeks thereafter. List this matter after seven weeks.

SLP(C)No.7368-7369/03:

The issue in this SLP namely whether under the provisions of the Motor Vehicles Act, 1939 the liability of the insurer was restricted to Rs.50,000/- is not covered by the decision in National Insurance Co. vs. Swaran Singh & Ors. Accordingly these SLPs are delinked.

Counter affidavit will be filed within three weeks. List the matter thereafter.

(USHA BHARDWAJ)
P.S. TO REGISTRAR

(MADHU SAXENA)
COURT MASTER