

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6058/2007
(From the judgement and order dated 07/09/2006 in AO No. 169/2002 & RA
No. 340/2006 of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

HAYAT SINGH Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO.LTD.& ORS. Respondent(s)
(With prayer for interim relief and office report)

Date: 18/02/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr.J.C. Gupta, Sr. Adv.
Mr.Anurag Tomar, Adv.
Ms. Naresh Bakshi,Adv.

For Respondent(s) Mr. K.L. Nandwani,Adv.
Mr.S.K. Mishra, Adv.
Mr. Debasis Misra,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed in terms of the signed order.

[Meenu Sethi]
Court Master

[Pushap Lata Bhardwaj]
Court Master

Signed order is placed on the file
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1407 /2008
(@SLP(C) No.6058 /2007)

Hayat Singh ...Appellant

Versus

United India Insurance ...Respondent
Company Ltd. & Ors.

ORDER

Leave granted.

Having heard learned counsel for the parties, we are of the opinion that as the appellant herein was not a party before the High Court in the appeal filed by the Insurance Company, the impugned judgment cannot be sustained. The order dated 7.9.2006 as also the order dated 22.12.2006 in R.A. No.340/2006 are set aside and the matter is remitted to the High Court for consideration of the matter afresh after hearing the appellant herein.

The appellant shall be impleaded as a party respondent in the memorandum of appeal before the High Court.

The appeal is allowed.

.....J.

[S.B. SINHA]

.....J.

[V.S.SIRPURKAR]

New Delhi,
February 18, 2008