

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5187 OF 2004

NATIONAL INSURANCE CO. LTD.

Appellant (s)

VERSUS

MYDAS ANJALIAH & ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 09/02/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Appellant(s)

Ms. Pankaj Bala Varma, Adv.

Ms. Kiran Suri, Adv.

For Respondent(s)

Mr. B.Sridhar, Adv.

Mr. K. Ram Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5187 OF 2004

NATIONAL INSURANCE CO. LTD.
...Appellant(s)

Versus

MYDAS ANJALIAH & ORS.
...Respondent(s)

O R D E R

We have heard counsel for the parties.

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We hold that the judgment in Satpal Singh's case stands

overruled by the judgment of this Court in New India Assurance Co.

Ltd. vs. Asha Rani & Ors. reported in 2003 (2) SCC 223 which has

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been reiterated in National Insurance Co. Ltd. vs. Baljit Kaur & Ors.

reported in 2004 (2) SCC 1.

ion to Accordingly, this appeal is disposed of with a direct

the Insurance Company to pay the amount payable to the claimants in

the first instance, and then recover the same from the owner of the

vehicle following the procedure laid down in Baljit Kaur's case. The

impugned judgment and order shall stand modified accordingly.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,

February 9, 2007