

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). 1819 OF 2007

FATHIMA & ORS.

Appellant (s)

VERSUS

BR.MGR.UNITED INDIA INSU. CO. LTD. & ORS

Respondent(s)

Date: 07/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Ms. Kiran Suri,Adv.
Mr. S.J. Amith, Adv.

For Respondent(s)

Mr. K.L.Nandwani, Adv.for
Mr. Debasis Misra,Adv.

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

The Appeal is allowed in terms of the signed order and the matter is remitted to the High Court for a fresh decision in accordance with law, after hearing the parties concerned, preferably within a period of four months from the date of receipt/production of a copy of this order. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1819 OF 2007

Fathima & Others

..Appellants

versus

Br.Mgr.United India Insurance
Co. Ltd.& Ors.

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned

judgment of the High Court of Karnataka at Bangalore dated 3.12.2005 and subsequent order dated 12.1.2006 passed in review application.

The facts in detail have been set out in the impugned judgment of the High Court and in the order of the Workmen's Compensation Commissioner and hence we are not repeating the same here.

On perusal of the impugned judgment of the High Court, we feel that the High Court has not properly considered the factual and legal points involved in the case and hence, in our opinion, the matter requires fresh adjudication by the High Court.

Accordingly, we allow this appeal, set aside the impugned judgment of the High Court as well as the order passed in the review application and remit the matter to the High Court for a fresh decision in accordance with law,

CIVIL APPEAL NO.1819 OF 2007

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after hearing the parties concerned, preferably within a period of four months from the date of receipt/production of a copy of this order. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
APRIL 07, 2010

.....J.
[A.K. PATNAIK]