

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

Petitions for Special Leave to Appeal (Civil)...../2011  
CC 13702-13704/2011

(From the judgement and order dated 25/01/2011 in MFA  
No.395/2007 and MFA No.396/2007 and MFA No.397/2007 of The HIGH  
COURT OF KARNATAKA AT BANGALORE)

NEW INDIA ASSURANCE CO.LTD.

Petitioner(s)

VERSUS

MUTHAPPA & ORS. ETC. Respondent(s)  
WITH I.A. 1-3 (C/DELAY IN FILING SLP AND C/DELAY IN REFILING  
SLP)

Date: 29/08/2011 These Petitions were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Abhishek Kumar, Adv.  
Mr. Viresh B. Saharya, Adv.

For Respondent(s)

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

One of the contentions urged by learned  
counsel for the petitioner is that the High Court  
was not justified in placing reliance on its  
earlier decisions referred to in Para 2 of the  
impugned judgment as the insurance policy in  
those cases were entirely different from the  
policy in the present case. The submission is  
that in those cases, the policy was for  
comprehensive assurance whereas in the present  
case it was only a third party insurance.

...2/-

:2:

Prima facie, we are not inclined to agree  
with the learned counsel as the impugned order  
does not indicate that such a plea was raised  
before the High Court. However, we permit the

petitioner to place on record the grounds of  
appeal urged before the High Court. Let the  
needful be done within two weeks.

List thereafter.

In the meantime, it will be ensured that  
the compensation is paid to the claimant.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master