

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). 6026-6027 OF 2007

UNITED INDIA INSURANCE CO.LTD.

Appellant (s)

VERSUS

SHILA DATTA & ORS.

Respondent(s)

[MOTOR VEHICLE ACT, 1988, SEC.173, 142 (2) & (7),
SEC.170, 149(2) - WHETHER THE INSURER SHALL BE WHOLLY
WITHOUT ANY REMEDY EVEN IF THE AMOUNT OF COMPENSATION IS
DETERMINED IN VIOLATION OF THE STANDARD FORMULA ENVISAGED
IN THE SECOND SCHEDULE OF THE ACT OR IN CLEAR VIOLATION
OF THE RATIOS LAID DOWN BY THIS HON'BLE COURT]

C.A. NO.6026-6027/2007 (With office report)

WITH

- SLP(C) NO. 10164 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 14962 of 2007 (With office report)
- SLP(C) NO. 10128 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10130 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10131 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10132 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10133 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10211 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10217 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10269 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10315 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10390 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10511 of 2006
(With prayer for interim relief and office report)
- SLP(C) NO. 10797 of 2006

- (With prayer for interim relief and office report)
- SLP(C) NO. 12121 of 2006 (With office report)
- SLP(C) NO. 13966 of 2006 (With office report)
- SLP(C) NO. 12747 of 2006 (With office report)
- SLP(C) NO. 18540 of 2006 (With office report)
- SLP(C) NO. 9302-9305 of 2005
(With prayer for interim relief and office report)
- SLP(C) NO. 7905 of 2007 (With office report)
- SLP(C) NO. 8789 of 2006
- SLP(C) NO. 16460 of 2006
(With prayer for interim relief and office report)
- Civil Appeal NO. 798-800 of 2006
- SLP(C) NO. 3556 of 2008 (With office report)
- SLP(C) NO. 5073 of 2008 (With office report)
- Civil Appeal NO. 1891 of 2008

(With prayer for interim relief)
Civil Appeal NO. 1889 of 2008
SLP(C) NO. 7108 of 2008 (With office report)
SLP(C) NO. 16066 of 2008 (With office report)
Civil Appeal NO. 4917 of 2008
(With prayer for interim relief and office report)
SLP(C) NO. 6359 of 2007
(With prayer for interim relief and office report)
SLP(C) NO. 5531-5532 of 2009 (With office report)
SLP(C) NO. 19472 of 2008
(With prayer for interim relief and office report)
SLP(C) NO. 29055 of 2009 (With office report)
SLP(C)No.26470/2008 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.9983/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
C.A.No.2813-2814/2005 (With Prayer for Interim Relief)
SLP(C)No.9408/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.14134/2008 (With prayer for interim relief)
SLP(C)No.14152/2008
(With prayer for interim relief and office report)
SLP(C)No.14131/2008
(With prayer for interim relief and office report)
SLP(C)No.14148/2008
(With prayer for interim relief and office report)
SLP(C)No.14129/2008
(With prayer for interim relief and office report)
SLP(C)No.14144/2008
(With prayer for interim relief and office report)
SLP(C)No.14121/2008
(With prayer for interim relief and office report)
SLP(C)No.14125/2008
(With prayer for interim relief and office report)
SLP(C)No.20966/2006 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND

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OFFICE REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.121/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.16018/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.13916/2008 (With Office Report)
SLP(C)No.6380/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.17258/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.6868/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
C.A.No.6717/2004
SLP(C)No.19275-19285/2008(WITH PRAYER FOR INTERIM RELIEF AND
OFFICE REPORT)
SLP(C)No.25491/2008 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.2022/2008
SLP(C)No.5383/2008 (WITH APPLN.(S) FOR DASTI SERVICE)
SLP(C)No.13475/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.22535/2009 (WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.21888-21889/2008
SLP(C)No.19701/2009
SLP(C)NO...../2009 CC.NO.2854-2855
(With appln.(s) for c/delay in filing SLP and office report)
WITH
SLP(C) NO.17965/2009
(With prayer for interim relief and office report)
(For final disposal)

Date: 12/03/2010 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

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Ms. Santosh Singh, Adv.

Mr. K. Rajeev, Adv.

Mr. P.V. Yogeshwaran, Adv.

Mr. Anilendra Pandey, Adv.
Ms. Priya Kashyap, Adv.

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

List all matters except SLP(C) No.6868/2007 on 22/3/2010.

SLP(C) No.6868/2007

Leave granted.

Appeal is allowed in terms of the signed order.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master
[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2450 of 2010
[Arising out of SLP(C) No.6868 of 2007]

Cholamandalam MS General Insurance Co. Ltd.Appellant

Versus

Radhamani & Ors.

...Respondents

O R D E R

Leave granted. Notice was issued limited to the question as to why the respondents 1 to 5 shall not be asked to furnish security (for the amount directed to be released to them.

2. Learned counsel for the respondents 1 to 5 stated that they had no objection for modification of the order of the High Court. They submitted that they may be permitted to withdraw the amount as per the interim order of the High Court, only after furnishing security. He made this submission to avoid any delay.

3. In view of the said submission, we allow this appeal and modify the condition imposed by the High Court, while granting interim stay, as follows: The claimants

(respondents 1 to 5 herein) shall be permitted to withdraw the amount (which the High Court has permitted them to withdraw without security) only on furnishing security to the satisfaction of the Tribunal. The remaining amount deposited by the insurer shall be kept in a fixed deposit until the disposal of the appeal. We request the High Court to dispose of the pending appeal expeditiously.

.....J.
(R.V. RAVEENDRAN)

.....J.
(H. L. Dattu)

New Delhi.
March 12, 2010.

.....J.
(K.S. RADHAKRISHNAN)