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SLP(C)No. 12380 OF 2003
ITEM No.9

Court No. 5

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.12380/2003

(From the judgement and order dated 09/12/2002 in FAO 5701/2002
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NATIONAL INSURANCE COMPANY LTD.

Petitioner (s)

VERSUS

ASHOK KUMAR AND ORS.

Respondent (s)

(With appln. for seeking permission to withdraw the amount
deposited before MACT and substituted service and with prayer
for interim relief)

Date : 29/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. B.K.Satiya,Adv.
Mr. Vishnu Mehra, Adv.

For Respondent No.1Mrs K.Sharda Devi,Adv.

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

Leave granted.

Heard parties.

The Appeal is dismissed in terms of the signed order.
In view thereof, no orders on the I.As.

Anita

(Meena Trikha)
Assistant Registrar

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7677 of 2004
(Arising out of S.L.P. (Civil) No. 12380 of 2003)

NATIONAL INSURANCE COMPANY LIMITED

Appellant (s)

Versus

ASHOK KUMAR AND OTHERS

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Respondent(s)

O R D E R

Leave granted.

Heard parties.

The law is well settled. The Insurance Company must first pay and then recover from the owner.

We, therefore, see no infirmity in the impugned Judgment or in the order of the Motor Accidents Claims Tribunal. The Appeal stands dismissed accordingly.

In view thereof, no orders on the I.As.

.....J.

(S.N. Variava)

.....J.

(H.K. Sema)

New Delhi,
November 29, 2004.