

ITEM NO.1

COURT NO.4

SECTION IVB

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(s).11801-11804/2005

(From the judgement and order dated 07/12/2004 in FAO No. 4845/2003 & FAO No. 4846/2003 & FAO No. 4847/2003 & FAO No. 4848/2003 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JAI PRAKASH

Petitioner(s)

VERSUS

M/S. NATIONAL INSURANCE CO. & ORS.

Respondent(s)

(With appln(s) for stay and prayer for interim relief and office report) (FOR FINAL DISPOSAL)

(I) [MOTOR VEHICLE ACT, 1988-SEC.149 - WHETHER THE INSURANCE COMPANY IS LIABLE TO PAY THE COMPENSATION TO THE UNAUTHORISED/ GRATUITOUS PASSENGERS TRAVELLING IN THE VEHICLE]

SLP(C) NOS.11801-11804/2005

WITH
SLP(C) NO.157/2005 (With prayer for interim relief and office report)
SLP(C)NO.4767/2005
(With appln.(s) for delinking the petition and office report)
SLP(C) NO. 13982-13983 of 2005(With office report)
SLP(C) NO. 12114 of 2006 (With office report)
SLP(C) NO.2653/2007
(With prayer for interim relief and office report)
SLP(C) NO. 15472 of 2007
(With prayer for interim relief and office report)
SLP(C) NO. 13301-13306 of 2008 (With office report)
SLP(C) NO. 9091 of 2008
(With prayer for interim relief and office report)
SLP(C) NO. 15208-15221 of 2008
(With prayer for interim relief and office report)
SLP(C) NO. 19262 of 2008
(With appln.(s) for directions and office report)
SLP(C) No.8335/2007
(With appln.(s) for c/delay in filing SLP and with prayer for interim relief and office report)
SLP(C) No.8336/2007
(With appln. For c/delay in filing SLP and office report)
SLP(C) No.8337/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8339/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8340/2007

2

(With appln. For c/delay in filing SLP and office report)
SLP(C) No.8341/2007
(With appln. For c/delay in filing SLP and office report)
SLP(C) No.8344/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8345/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8346/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8347/2007
(with appln. For c/delay in filing SLP and office report)

SLP(C) No.8348/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8349/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8350/2007
(With appln. For c/delay in filing SLP and office report)
SLP(C) No.8351/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8352/2007
(With appln. For c/delay in filing SLP and office report)
SLP(C) No.8354/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) No.8355/2007
(with appln. For c/delay in filing SLP and office report)
SLP(C) NO.10669/2006
(With prayer for interim relief and office report)
SLP(C)NO.21160/2005
(With prayer for interim relief and office report)
SLP(C) NO.4734/2008 (With office report)
SLP(C) NO.5184/2008 (With prayer for interim relief)
SLP(C) NO.5151/2009 (With office report)
C.A.No.6279/2003 (with office report)
C.A.NO.6280/2003 (With office report)
C.A.NO.2067/2006(With prayer for interim relief and office report)
SLP(C) NO.4175/2007
(With prayer for interim relief and office report)
C.A.NO.3174/2009 (With prayer for interim relief and office report)
C.A.NO.6391/2004 (With office report)
C.A.No.1413/2008
C.A.NO.987/2008
C.A.NO.1208/2008 (With prayer for interim relief)
C.A.NO.1298/2003 (With office report)
C.A.NO.5213-5214/2008 (with office report)
C.A.NO.4953/2009 (With office report)
SLP(C)NO.15991/2007
(with prayer for interim relief and officer report)
SLP(c) NO.1715/2008
(With prayer for interim relief and office report)
SLP(C)NO.8277-8282/2008
(With prayer for interim relief and office report)
SLP(C)NO.19436-19437/2009
(With prayer for interim relief and office report)
SLP(C)NO.23561-23562/2009

3

(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP
and office report)
SLP(C) NO.1269/2006
(With prayer for interim relief and office report)
C.A. NO.1693/2007
C.A.No.4577-4578/2005 (With Appln.(s) for stay and Office Report)
SLP(C)No.10798-10804/2004 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.11400-11411/2004 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
C.A.No.4987/2006
SLP(C)No.13590/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
C.A.No.6037/2003 (With Office Report)
C.A.No.6590/2003 (With Office Report)
SLP(C)No.19207/2008 (WITH OFFICE REPORT)
SLP(C)No.4039/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.14302/2006 (WITH OFFICE REPORT)
SLP(C)No.22483/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.12519/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
C.A.No.4545/2005 (With Appln.(s) for exemption from filing O.T.and

Prayer for Interim Relief)
C.A.No.4471/2005 (With Prayer for Interim Relief and Office Report)
C.A.No.4632-4636/2005 (With Prayer for Interim Relief and Office Report)
C.A.No.4472/2005 (With Office Report)
C.A.No.4470/2005 (With Office Report)
C.A.No.4469/2005 (With Prayer for Interim Relief and Office Report)
C.A.No.4630-4631/2005 (With Prayer for Interim Relief and Office Report)
SLP(C)No.5004-5005/2008 (WITH APPLN.(S) FOR SUBSTITUTED SERVICE AND DIRECTIONS AND DELETION OF RESPONDENT NO.2 WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.24180-24213/2009
C.A.No.4486/2005 (With Prayer for Interim Relief)
SLP(C)No.8387/2006 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
SLP(C)No.1770/2009
SLP(C)No.25766/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
SLP(C)No.2687/2009 (With Prayer for Interim Relief)
SLP(C)No.24051/2004 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.24052/2004 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.24054/2004 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.24055/2004 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.29081-29082/2008 (With Office Report)
SLP(C)No.13323/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
C.A.No.589/2009
C.A.No.4420/2007 (With Office Report)

4

C.A.No.479/2009
C.A.No.4082/2004 (With Office Report)
C.A.No.1437/2008 (With Prayer for Interim Relief and Office Report)
SLP(C)No.7383/2005 (OFFICE REPORT ON DEFAULT)
SLP(C)No.29513/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.2101/2009 (WITH APPLN.(S) FOR PERMISSION TO PLACE ADDL. DOCUMENTS ON RECORD)
SLP(C)No.4513/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.6600/2009 (WITH OFFICE REPORT)
SLP(C)No.6601/2009 (WITH OFFICE REPORT)
SLP(C)No.10810/2009 (WITH OFFICE REPORT)
SLP(C)...CC 6970/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
SLP(C)No.15753/2009 (WITH OFFICE REPORT)
SLP(C)No.23876/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)
SLP(C)No.23174/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)
SLP(C)No.23931/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN REFILING SLP AND OFFICE REPORT)
SLP(C)No.25032/2008 (WITH APPLN.(S) FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS AND OFFICE REPORT)
SLP(C)No.23459/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT) WITH I.A.NO.2(APPLN. FOR DIRECTIONS)
SLP(C)No.21211/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C) NO.12018/2008 (With office report)
SLP(C) NO.30729/2008 (With prayer for interim relief)
SLP(C) NO.31482/2009 (With prayer for interim relief and office report)
SLP(C) NO.31620/2008
SLP(C) NO.12429-12430/2007 (With prayer for interim relief report and office report) (For final disposal)
C.A. NO.2743/2010 (With office report)
C.A.NO.2744/2010 (With office report)
SLP(C) NO.28775-28780/2008

(II) [MOTOR VEHICLE ACT, 1988 - SEC. 146, 147, 149 AND 166 -
OVERLOADING OF BUS AND RASH AND NEGLIGENT DRIVING - VIOLATION
OF TERMS AND CONDITIONS OF POLICY -WHETHER INSURANCE COMPANY
IS LIABLE TO PAY COMPENSATION TO REPRESENTATIVES OF THE
INJURED AND DEAD PERSONS IN AN ACCIDENT INVOLVED IN PUBLIC
TRANSPORT VEHICLE WHO WERE ABOVE THE PERMISSIBLE LIMIT OF
PASSENGERS IN THE VEHICLE]

WITH

C.A.No.4625/2006

C.A.No.4750/2006

SLP(C)No.19734/2006 (With Office Report)

SLP(C)No.20716/2006 (With Office Report)

SLP(C)No.20719/2006 (With Office Report)

SLP(C)No.20714/2006 (With Office Report)

SLP(C)No.20721/2006 (With Office Report)

SLP(C)No.20690/2006 (With Office Report)

5

SLP(C)No.20720/2006 (With Office Report)

SLP(C)No.20688/2006 (With Office Report)

SLP(C)No.18911/2006 (With Prayer for Interim Relief and Office Report)

SLP(C)No.18942/2006 (With Prayer for Interim Relief and Office Report)

SLP(C)No.20700/2006 (With Office Report)

SLP(C)No.19018/2006 (With Prayer for Interim Relief)

SLP(C)No.19029/2006 (With Prayer for Interim Relief and Office Report)

SLP(C)No.19059/2006 (With Prayer for Interim Relief and Office Report)

SLP(C)No.19061/2006 (With Prayer for Interim Relief and Office Report)

SLP(C)No.20711/2006 (With Office Report)

SLP(C)No.20707/2006

SLP(C)No.758/2007 (With Office Report)

SLP(C)No.619/2007 (With Office Report)

SLP(C)No.621/2007 (With Office Report)

SLP(C)No.743/2007 (With Office Report)

SLP(C)No.1477/2007 (With Office Report)

SLP(C)No.1504/2007 (With Office Report)

SLP(C)No.1509/2007 (With Office Report)

SLP(C)No.1533/2007 (With Office Report)

C.A.No.2452/2006 (With Office Report)

C.A.No.2376/2006

SLP(C)No.2297/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.1392-1421/2008 (WITH PRAYER FOR INTERIM RELIEF)

SLP(C)No.26364-26366/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

SLP(C)No.7331/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

C.A.No.5925-5926/2008 (With Prayer for Interim Relief)

C.A.No.93/2009 (With Prayer for Interim Relief and Office Report)

C.A.No.146/2009 (With Prayer for Interim Relief and Office Report)

SLP(C)No.21530/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.4216/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.3946/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.3947/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.6311/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.6312/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND PERMISSION TO FILE ADDITIONAL DOCUMENTS AND OFFICE REPORT)

SLP(C)No.6313/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.6314/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND

TAKING ADDITIONAL DOCUMENT ON RECORD AND OFFICE REPORT)

SLP(C)No.1498/2007 (With Office Report)

SLP(C)No.24037/2009

SLP(C)No.24614/2009 (WITH OFFICE REPORT)

6

SLP(C)No.28407/2008 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT) (FOR FINAL DISPOSAL)

SLP(C)No.2095/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND MODIFICATION OF COURT'S ORDER AND OFFICE REPORT)

(FOR FINAL DISPOSAL)

SLP(C)No.2047/2009 (WITH APPLN.(S) FOR C/DELAY IN REFILING SLP AND OFFICE REPORT) (FOR FINAL DISPOSAL)

SLP(C)No.2045/2009 (WITH APPLN.(S) FOR C/DELAY IN REFILING SLP AND OFFICE REPORT) (FOR FINAL DISPOSAL)

(III) [MOTOR VEHICLE ACT, 1988 -SECTION 149 (2) WHEN THE DRIVER OF THE OFFENDING VEHICLE WAS NOT HAVING A VALID AND EFFECTIVE DRIVING LICENCE OR FAKE LICENCE - WHETHER THE INSURANCE COMPANY IS LIABLE TO PAY COMPENSATION]

SLP(C)No.3440/2006 (WITH PRAYER FOR INTERIM RELIEF)

SLP(C)No.11994-11995/2004

SLP(C)No.16224/2006 (WITH APPLN.(S) FOR SUBSTITUTED SERVICE)

SLP(C)No.10255/2006

C.A.No.6224/2002 (With Office Report)

C.A.No.6225/2002 (With Office Report)

C.A.No.83/2003 (With Office Report)

C.A.No.84/2003 (With Office Report)

C.A.No.85/2003 (With Office Report)

C.A.No.86/2003 (With Office Report)

C.A.No.82/2003 (With Office Report)

C.A.No.7796/2002 (With Office Report)

C.A.No.8378/2002 (With Office Report)

C.A.No.8552/2002 (With Office Report)

C.A.No.8553/2002 (With Prayer for Interim Relief)

C.A.No.8554/2002 (With Office Report)

C.A.No.8555/2002 (With Office Report)

C.A.No.8556/2002 (With Office Report)

C.A.No.8557/2002 (With Office Report)

C.A.No.8558/2002 (With Office Report)

SLP(C)No.16949/2008(WITH PRAYER FOR INTERIM RELIEF)

C.A.No.2712/2002 (With Office Report)

SLP(C)No.21027/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

C.A.No.6525/2008 (With Prayer for Interim Relief and Office Report)

C.A.No.6589/2008 (With Prayer for Interim Relief)

C.A.No.5410/2009

SLP(C)No.2978/2008 (FOR FINAL DISPOSAL)

SLP(C)No.6945/2007 (WITH APPLN.(S) FOR DIRECTIONS)

SLP(C)No.7605/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

SLP(C)No.13102/2009 (WITH OFFICE REPORT)

SLP(C)No.9820/2008 (WITH OFFICE REPORT)

SLP(C)No.1160/2003 (With Prayer for Interim Relief and Office Report)

C.A.No.2231/2006

C.A.No.970-971/2010 (With Prayer for Interim Relief and Office Report)

SLP(C)No.24914/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

SLP(C)No.26259/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE

7

REPORT)

(IV) [MOTOR VEHICLE ACT, 1988 - SECTION 146- WHEN THE CHEQUE FOR PAYMENT OF PREMIUM WAS DISHONOURED, WHETHER THE APPELLANT/INSURANCE COMPANY IS LIABLE TO PAY THE COMPENSATION

WITH
SLP(C)No.15687/2003 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.21011-21012/2003 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.3843-3844/2004 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.4878/2004 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)
SLP(C)No.10528/2004 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.25582/2004 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
(FOR FINAL DISPOSAL)
SLP(C)No.1108/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.2784/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)
SLP(C)No.7293-7309/2005 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.12716/2005 (WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T.
AND OFFICE REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.15764/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.14819/2006 (WITH OFFICE REPORT)
SLP(C)No.14847/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.18398/2006 (WITH OFFICE REPORT)
SLP(C)No.18321/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.10179/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.16416/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.866/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.4474/2007 (WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.22444/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C) NO.3960/2008 (With prayer for interim relief)
(For final disposal)
SLP(C) NO.6667/2008 (With appn.(s) for exemption from filing O.T. and
with prayer for interim relief and office report)
SLP(C) NO.5465/2008 (With appn.(s) for exemption from filing O.T. and
with prayer for interim relief and office report) (For final

8

disposal)
C.A.No.7223/2003 (With Prayer for Interim Relief)
SLP(C)No.15506-15509/2007 (WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.16048-16063/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.16179-16181/2009 (WITH OFFICE REPORT)
SLP(C)No.1442/2008 (WITH APPLN.(S) FOR SUBSTITUTED SERVICE AND WITH
PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.15736/2006 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
C.A.No.5960/2007 (With Prayer for Interim relief)
SLP(C)No.30899/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.6520/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)
SLP(C)No.6530/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.6535/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.6536/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND

OFFICE REPORT)

SLP(C)No.6538/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6539/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6540/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6555/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6557/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6571/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6574/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6575/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6577/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6579/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6580/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6584/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6587/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6592/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6595/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6598/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6600/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND

9

OFFICE REPORT)

SLP(C)No.6601/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6604/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6606/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND OFFICE REPORT)

SLP(C)No.6610/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6611/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.6614/2007 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND C/DELAY IN FILING PROCESS FEE AND OFFICE REPORT)

SLP(C)No.33759/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

(V) [MOTOR VEHICLE ACT, 1988 -WHETHER THE INSURANCE COMPANY IS LIABLE TO PAY COMPENSATION FOR THE DEATH OF A PERSON TRAVELLING IN A PRIVATE CAR]

WITH
C.A.No.3335/2009 (For impleadment)
SLP(C)No.22691/2009
C.A.No.5354/2009 (With Prayer for Interim Relief and Office Report)

(VI) [MOTOR VEHICLE ACT, 1988-SECS.163A, 166,165(1) WHETHER THE INSURANCE COMPANY IS LIABLE TO PAY COMPENSATION IN CASE OF DEATH/INJURI TO THE VICTIM AGAINST HIS OWN VEHICEL]

SLP(C)No.18413/2003 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

SLP(C)No.22435/2003 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.22747/2003 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.22045/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
C.A.No.5763/2008 (With Prayer for Interim Relief and Office Report)
SLP(C)No.16030/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.24455/2003 (WITH PRAYER FOR INTERIM RESPONDENT-IN-PERSON RELIEF AND OFFICE REPORT)
SLP(C)No.3109/2006 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.17939/2008 (WITH APPLN.(S) FOR DECLARATION AND WITHDRAWAL AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.30980/2009 (WITH OFFICE REPORT)
SLP(C)No.21829/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.28870/2008 (WITH OFFICE REPORT)
SLP(C)No.3063/2008 (WITH APPLN.(S) FOR PERMISSION AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.2903/2009 (WITH OFFICE REPORT)

10

C.A.No.2018/2007
SLP(C)No.1040/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
(FOR FINAL DISPOSAL)
SLP(C)No.4094/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.4003/2008
SLP(C)No.11743/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
C.A.No.1080/2008 (With Prayer for Interim Relief and Office Report)
SLP(C)No.13104/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)(FOR FINAL DISPOSAL)
SLP(C)No.29726/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP)
SLP(C)No.10885/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C) NO.8471/2009

(VII) [MOTOR VEHICLE ACT, 1988-SEC. 166/163-CLAIM FOR THE DEATH OF DRIVER ALLEGING MURDER.]

C.A.No.3530/2006
C.A.No.2942/2006 (With Appln.(s) for withdrawal)
C.A.No.5799/2009 (With Prayer for Interim Relief and Office Report)
SLP(C)No.14689/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
C.A.No.3281/2009 (With Prayer for Interim Relief and Office Report)
SLP(C)No.17411/2005 (WITH APPLN.(S) FOR DELETION OF THE NAME OF RESPONDENT AND OFFICE REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.1860/2008 (WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T. AND SUBSTITUTED SERVICE AND WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.3715/2009 (With Office Report)
SLP(C)No.4308/2009 (WITH OFFICE REPORT)
C.A.No.3530/2006
SLP(C)No.5705/2009

(VIII) [DEATH OF EMPLOYEE DUE TO HEART ATTACK/NATURAL DEATH PARALYTIC ATTACK-WHETHER THE AWARD PASSED BY THE WORKMEN COMPENSATION COMMISSIONER FOR DIRECTING THE INSURANCE CO. TO PAY COMPENSATION IS JUSTIFIED.]

C.A.No.5249/2007 (With Prayer for Interim Relief and Office Report)
C.A.No.161/2009 (With Prayer for Interim Relief and Office Report)
C.A.No.163/2009 (With Office Report)

(IX) [INSURANCE ACT, 1938,SEC.64VB -ACCIDENT PRIOR TO ISSUANCE OF

POLICY-WHETHER THE COMPENSATION CLAIM IS SUSTAINABLE.]

C.A.No.6345/2009 (With Prayer for Interim Relief and Office Report)
C.A.No.6283/2008 (With Prayer for Interim Relief and Office Report)

(X) [WORKMEN'S COMPENSATION ACT, 1923-SEC.4A(3) AWARD OF
11

INTEREST-WHETHER FROM THE DATE OF ACCIDENT OR FROM THE DATE
OF AWARD]

SLP(C)No.22929/2009 (WITH OFFICE REPORT)
SLP(C)No.12355/2008 (WITH PRAYER FOR INTERIM RELIEF)
SLP(C)No.17017/2008(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.20163/2008(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.12796/2009 (WITH OFFICE REPORT)
SLP(C)No.22341/2009(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.2538/2010 (WITH OFFICE REPORT)
SLP(C)No.2788/2009 (WITH APPLN.(S) FOR MODIFICATION OF COURT'S ORDER
AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.1262/2010 (WITH OFFICE REPORT)
SLP(C)No.1256/2010 (WITH OFFICE REPORT)
SLP(C)No.10788/2009 (WITH OFFICE REPORT)
SLP(C)No.15269/2008(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.17538/2008
SLP(C)No.30084/2009(WITH OFFICE REPORT)
SLP(C)No.14409/2008(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.10794/2009 (WITH OFFICE REPORT)
SLP(C)No.8693/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.6024/2009 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
SLP(C)No.22668/2009 (WITH OFFICE REPORT)
SLP(C)No.33844/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.25808/2009 (WITH OFFICE REPORT)
SLP(C)No.33826/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.31078/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.31215/2008 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.1260/2010 (WITH OFFICE REPORT)
SLP(C)No.1255/2010 (WITH OFFICE REPORT)
SLP(C)No.33819/2009 (WITH PRAYER FOR INTERIM RELIEF)
SLP(C)...CC 1798/2009 (WITH APPLN.(S) FOR C/DELAY IN FILING SLP AND
OFFICE REPORT)
SLP(C)No.23333-23338/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)No.23465-23470/2007 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT)
SLP(C)...CC 475/2009 (WITH APPLN.(S) FOR C/DELAYIN FILING SLP AND
OFFICE REPORT)
SLP(C)No.2635/2009 (WITH OFFICE REPORT)
C.A.No.7851-7852/2009 (WITH OFFICE REPORT)
SLP(C)No.13906/2009
SLP(C) NO.27217/2008 (With appln.(s) for c/delay in filing SLP, with
prayer for interim relief and office report)

(XI) [MOTOR VEHICLE ACT,1988-SEC.166 DIRECTION OF MOTOR ACCIDENT
CLAIMS TRIBUNAL TO PAY THE AMOUNT OF THE COMPENSATION TO THE
LRS. OF DECEASED AND RECOVER THE SAME FROM INSURANCE

12

CO.-JUSTIFICATION THEREOF.]

SLP(C)No.12778-12779/2009 (WITH PRAYER FOR INTERIM RELIEF)

SLP(C)No.26353/2009(WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)
C.A.No.5027/2009
SLP(C)No.5004-5005/2008 (WITH APPLN.(S) FOR SUBSTITUTED SERVICE AND
DIRECTIONS)
SLP(C)No.20591/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.19394/2005 (WITH PRAYER FOR INTERIM RELIEF AND OFFICE
REPORT) (FOR FINAL DISPOSAL)
SLP(C)No.33969/2009 (WITH OFFICE REPORT)
C.A.No.7120/2005 (With Office Report)

(XII) [QUESTION OF COMPENSATION/ENHANCED COMPENSATION]

C.A.No.3865/2007
SLP(C)No.9936/2009

Date: 08/04/2010 These Petitions 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

Mr. Gopal Subramaniam, SG (A.C.)

For Petitioner(s) Mr. Manoj Swarup, Adv.
For M/s. Manoj Swarup & co.

Mr. M.K. Dua, Adv.

Mr. S.N. Bhat, Adv.

Mr. Praveen Jain, Adv.
Mr. Mukesh Kumar, adv.
Mrs. Padma Priya, Adv.
M/S. M.V. Kini & Associates

Mr. Vishnu Mehra, Adv.
Mr. Pramod Dayal, Adv.
Mr. Nikunj Dayal, Adv.

Mr. D. Vardarajan, Adv.
Mr. Shiv Prakash Pandey, Adv.
Mr. V. Prashanth, Adv.

Mr. Joy Basu, Adv.
Mr. B.K. Satija, Adv.

13

Mr. Avijit Bhattacharjee, Adv.
Ms. Meenakshi Midha, Adv.

Mrs. Nanita sharma, Adv.

Mr. Santosh Paul, Adv.
Mr. Sriharsh N. Bundela, Adv.
Mr. M.J. Paul, Adv.

Mr. P.V. Yogeswaran, Adv.

Mr. Dharam Bir Raj vohra, Adv.

Mr. C.D. Singh, Adv.
Mr. Sunny Chaudhary, Adv.

Mrs. Laxmi Arvind, Adv.
Mrs. Poonam Prasad, Adv.
Mr. Anuj Kumar, Adv.

Mr. Abhay Kumar, Adv.
Mr. Rajesh Anand, Adv.
Mr. Pankaj Jaiswal, Adv.
Mr. Johnny Joseph, Adv.

Mr. A.K. De, Adv.
Mr. Udit Kumar Chaturvedi, Adv.
Mr. Ashok K. Mahajan, Adv.

Mr. Ramesh Chandra Mishra, Adv.
Dr. Meera Agarwal, Adv.

Ms. Nalini Poduval, Adv.

Mr. P.R. Sikka, Adv.
Mr. P.N. Puri, Adv.
Mr. Dheeraj, Adv.
Ms. Reeta Puri, Adv.

Mr. Yunus Malik, Adv.
Mr. Abhishek Vikas, Adv.
Mr. Yunus Malik, Adv.
Mr. Ravi Kishore, Adv.
Mr. Prashant Chaudhary, Adv.

Mr. Niraj Sharma, Adv.

Mr. Manjeet Chawla, Adv.

Ms. Hetu Arora, Adv.

Mr. G.E. Vahanvati, AG
Mr. Atul Nanda, Adv.
Ms. Rameeza, Adv.

14

Ms. Sugandha, Adv.
for M/s. Law Associates & co, Adv.
Ms. Kiran Suri, Adv.
Mr. Sarad Kumar Singhania, Adv.
Mr. Sudhir Kumar Guta, Adv.
Mr. B.K. Pal, Adv.
Ms. Binu Tamta, Adv.
Mr. Ashok Kumar Gupta, Adv.
Mr. Farrukh Rasheed, Adv.
Mr. M. Paikray, Adv.
Mr. A.P. Mohanty, Adv.
Mr. Rajesh Mahale, Adv.
Ms. Anjana Chandrashekar, Adv.
Ms. Manjusha Wadhwa, Adv.
Mr. Pravir Choudhary, Adv.

For Respondent(s) Mr. S.L. Gupta, Adv.
Mr. Goodwill Indeevar, Adv.

Mr. Anand Vardhan Sharma, Adv.
Mr. Somnath Mukherjee, Adv.
Mr. Krishan Pal Mavi, Adv.
Mrs. K. Sarada Devi, Adv.
Mr. Santosh Kumar Tripathi, Adv.
Ms. Prasanthi Prasad, Adv.
Mr. D.N. Ray, Adv.
Mr. Lokesh K. Choudhary, Adv.
Ms. Sumita Ray, Adv.
Mr. Abhijit P. Medh, Adv.
Ms. Garima Prashad, Adv.
Ms. Neha Goyel, Adv.
Mr. Dinesh Chandra Pandey, adv.
Mr. Arvind Kumar Shukla, Adv.
Ms. Shweta Rani, Adv.

15

Mr. Irshad Ahmad, Adv.

Mr. Ranjan Kumar, Adv.

Mr. Parmanand Gaur, Adv.

Mr. Jasbir Singh Malik, Adv.

Ms. Sunita Sharma, Adv.

Mr. S.K. Sabharwal, Adv.

Dr. Aaray Lingaiah alias

Dr. A.K.R. Linga Reddy Patel, Adv.

Dr. R.D. Rathor, Adv.

Dr. Kailash Chand, Adv.

Mr. Y. Raja Gopala Rao, Adv.

Mr. P.R. Sikka, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Avtar Singh Rawat, Adv.

Mr. Anil Nag, Adv

Mr. V.N. Raghupathy, Adv.

Mr. Shrish Kumar Misra, Adv.

Mr. Mukesh Verma, Adv.

Mr. Aftab Alam, Adv.

Mr. Vivek Vishnoi, Adv.

Mr. Yash Pal Dhingra, Adv.

Mr. Prem Malhotra, Adv.

Mr. G. Ramakrishna Prasad, Adv.

Mr. B. Suyodhan, Adv.

Mr. Amarpal, Adv.

Mr. Bharat P. Joshi, Adv.

Mr. K.B. Rohtagi, Adv.

Ms. Aparna Rohatgi Jain, Adv.

Mr. Mahesh Kasana, Adv.

Ms. B. Sunita Rao, Adv.

Mr. Abhay Kumar, Adv.

Mr. Azim H. Laskar, Adv.

Mr. Sachin Das, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. K.L. Nandwani, Adv.

16

Mr. Sameer Nandwani, Adv.

Mr. Debasis Mishra, Adv.

Mr. Aftab Ali Khan, Adv.

Mr. R.S. Jena, Adv.

Mr. Romy Chacko, Adv.

Mr. Naresh Kumar, Adv.

Mr. G.N. Reddy, Adv.

Mr. R.C. Kohli, Adv.

Mr. Ashok Mathur, Adv.

Mr. Sreekumar Panicker K., Adv.

Mr. Purush P. Karun, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

Mr. Shanti Kr. Jaisani, Adv.

Ms. Rani Jethmalani, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Rutwik Panda, Adv.

Mr. Ugra Shankar Prasad, Adv.

Ms. Indra Sawhney, Adv.

Mr. Subhash Sharma, Adv.

Mr. P.P. Singh, Adv.

Mr. Pranab Kumar Mullick, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. Raj Singh Rana, Adv.

Mr. Neeraj Shekhar, Adv.

Mr. Abhishek Atrey, Adv.

Mr. Anis Ahmed Khan, Adv.

Mr. Sudarshan Singh Rawat, Adv.

Mr. R.D. Upadhyay, Adv.

17

Mr. Praveen Swarup, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Anish Kumar Gupta, Adv.

Mr. Naresh Kumar Singh, Adv.

Mr. Ashok Kumar Singh, Adv.

Mr. Surinder Dutt Sharma, Adv.

Mr. Sapan B. Meitei, Adv.

Mr. K.S. Rana, Adv.

Mr. A.P. Mohany, Adv.

Ms. Rekha Palli, Adv.

Mr. S.K. Bhattacharya, Adv.

Mr. H.K. Puri, Adv.

Ms. Sureshta Bagga, Adv.

Mr. Prem Sunder Jha, Adv.

Mr. Sudhir Kulshreshtha, Adv.

Mr. T.V. George, Adv.

Mr. Kishan Datta, Adv.

Mr. Nikhil Jain, Adv.

Mr. Vikramin Gulia, Adv.

Ms. Pratima Nain Chauhan, Adv.

Mr. Ajay Pal, Adv.

Mr. R.K. Nains, Adv.

Mr. Imtiaz Ahmed, Adv.

Ms. Naghma Imtiaz, Adv.

for M/s. Equity Lex Associates, Adv.

Mr. Vijay K. Jain, Adv.

Mr. Aribam Guneshwar Sharma, Adv.

Mr. Ranbir Singh Yadav, Adv.

Mr. R.N. Keshwani, Adv.

Mr. Ram Lal Roy, Adv.

Mr. Vivek B Saharya, Adv.

Mr. Vishnu B. Saharya, Adv.

Mr. Viresh B. Saharya, Adv.

for M/s. Saharya & Co., Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Ms. C.K. Sucharita, Adv.

Mr. Ajit Kumar Pande, Adv.

Mr. Shankar Divate, Adv.

Mr. E.C. Agrawala, Adv.

Mr. Jasbir Singh Malik, Adv.

Ms. Kamakshi S. Mehlwal, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, Adv.
Mr. Shwetabh Sinha, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

Mr. V.K. Sidharthan, Adv.

Mr. Rakesh K. Sharma, Adv.

Ms. Rachana Joshi Issar, Adv.
Mr. Shailendra Kumar, Adv.
Ms. Nidhi Tewari, Adv.

Mr. Sanjay Sharawat, Adv.

Mr. Deba Prasad Mukherjee, Adv.

Ms. Pratibha Jain, Adv.

Mr. K.L. Nandwani, Adv.
Mr. Shakil Ahmed Syed, Adv.

Ms. Naresh Bakshi, Adv.

Respondent-in-person

Mr. Gagan Gupta, Adv.

Ms. Pragati Neekhara, Adv.

Ms. S. Janani, Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. Himinder Lal, Adv.

Ms. Mridula Ray Bharadwaj, Adv.

Mr. Balraj Dewan, Adv.

19

Mr. Anup Banerjee, Adv.

Mr. S. Chandra Shekhar, Adv.

Mr. A. Raghunath, Adv.

Mr. K. Rajeev, Adv.

Mr. Naveen R. Nath, Adv.

Mr. B.D. Sharma, Adv.

Mr. K.L. Janjani, Adv.

Mr. Kuldip Singh, Adv.

Mr. Rajesh, Adv.

Mr. Varun Thakur, Adv.

Mr. A.S. Bhasme, Adv.

Mr. Kumar Rajesh Singh, Adv.

Ms. Niranjana Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Gopal Subramanian, learned Amicus Curiae requests for some time to get various responses and submit further suggestions by submitting a further report in the matter.

We directed notice to 17 insurance companies. Some of them some are yet to be served. Mr. Atul Nanda, learned counsel appearing on behalf of M/s. Law Associates & Co. undertakes to appear for those general insurance companies which are not already represented.

List the matter in the third week of July 2010 for further hearing.

We are informed that in some appeals pending before the Delhi High Court, similar questions are involved. As this matter is pending before us, we

20

permit the insurance companies to request the Delhi High Court to defer consideration of those matters by a few months.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master