

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)...../2006

CC 4405/2006

(From the final judgement and order dated 25/10/2005 in MA No. 938/1999
of The HIGH COURT OF M.P AT INDORE)

NEW INDIA ASSURANCE CO. LTD.

Petitioner(s)

VERSUS

AVANTI BAI AND ORS.

Respondent(s)

With I.A.1 (C/delay in filing SLP)

Date: 05/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Ms. Manjeet Chawla, Adv.

Mr. P.K. Seth, Adv.

For Respondent(s)

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

Counsel for the petitioner submits that the Claims Tribunal held categorically that Jaadu Singh, the deceased, was travelling as a passenger and not as an employee of the owner of the vehicle. The High Court has not set aside that finding of fact, nor has it considered the evidence on that aspect of the matter but has, by misreading the clause in the Insurance Policy reached the conclusion that the Insurance Company was liable to pay compensation to the applicants.

Issue notice on the Special Leave Petition as well as on the application for condonation of delay.

In the meanwhile, there shall be stay of the impugned judgment.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master