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C.A.No. 5125 OF 1998
ITEM NO.109
COURT No.2

SECTION XI

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. 5125/1998

L.I.C. of India & Anr.

Appellant(s)

Versus

Susheel Kumar

Respondent(s)

(with office report)

DATE : 17/03/2004 This/These matter/matters was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s) Mr. G.L. Sanghi, Sr. Adv.
Mr. A.V. Rangam, Adv.
Mr. A Ranganadhan, Adv.
Mr. Buddy A Ranganadhan, Adv.

For Respondent(s) Mr. Manoj Saxena, Adv.
Mr. Pravir Choudhary, Adv.

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

The appeal is disposed of in terms of the signed order.

[Charanjeet Kaur]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5125 OF 1998

L.I.C. of India & Anr.

..
Appellant(s)

Versus

Susheel Kumar

..
Respondent(s)

O R D E R

The respondent made a claim in a writ petition in respect of a Life Insurance Policy and that petition was allowed, directing payment of full assured amount along with interest at the rate of 12 per cent per annum and with certain amount of costs. This appeal is directed against that order of the High Court.

Shri G.L. Sanghi, learned senior advocate appearing for the appellants submitted that the order made by the High Court would be complied with, if not already done, insofar as the respondent is concerned but he submitted that there are certain aspects which ought to be taken note of by the courts in deciding such matters, particularly, when a claim is made under a Life Insurance Policy. Several questions arise, whether petition under Article 226 or a civil suit is an appropriate remedy; Whether on the date of the institution of

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the writ petition, the claim made would be barred by limitation or not if a civil suit is to be filed and whether the High Court could adjudicate upon disputed questions of facts in a matter of this nature. The High Court should not have decided the matter without examining these questions. Considering the concession made by the learned senior advocate for the appellants, we do not think this is a fit case in which such questions should be examined. The appeal is disposed of noticing these aspects.

.....J[S. RAJENDRA BABU]

.....J [G.P. MATHUR]

NEW DELHI,
March 17,2004.