

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 9466/2013

(From the judgement and order dated 18/12/2012 in SBCMA No.1547/2003 of The
HIGH COURT OF RAJASTHAN AT JAIPUR)

NEW INDIA ASSURANCE CO. LTD. Petitioner(s)

VERSUS

SHAKUNTALA & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 15/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. M.K. Dua,Adv.

For Respondent(s)

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

Delay condoned.

Although, a question as to whether the occupant of the car can be treated as third party so as to claim compensation was formulated by this Court, the arguments advanced by learned counsel appearing for the petitioner-Insurance Company and also on perusal of the orders and judgments of the Tribunal and the High Court, it could be gathered that the Tribunal has already held that the Insurance company will pay the amount to the claimants and would be entitled to realize it from the owner and the driver of the vehicle.

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It is, thus, obvious that this question may be gone into by the appropriate Forum at the relevant stage. Insofar as, the direction of the Tribunal upheld by the High Court is concerned, the same requires no interference.

The special leave petition is dismissed leaving it open to the Insurance Company to raise all these issues at the appropriate stage.

|(Neetu Khajuria)

|(S.S.R. Krishna)

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|Sr.P.A.

|Court Master

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