

SLP(C)... 6545-6548 OF 2003
ITEM No.51

Court No. 8

SECTION XII

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)...../2003
(CC:6545-6548)
(From the judgement and order dated 23/10/2002 in LPA 4 to 7 of 1999
of The HIGH COURT OF MADRAS)

NATIONAL INSURANCE CO. LTD. Petitioner (s)

VERSUS

KUMAR (MINOR) & ORS. Respondent (s)
WITH I.A.1-4 (C/delay in filing SLP)

Date : 27/01/2004 These Petitions were called on for hearing today.

CORAM :

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

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

For Respondent (s)

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

Delay condoned.

It has been held in the judgment of this Court dated 5th January, 2004 in SLP (C) No.9027/2003 , National Insurance Co. Ltd. v. Swaran Singh & Others which lays down that the Insurance Company must first pay and then recover. In the impugned judgment it is directed that the Insurance Company first pay and then recover. We thus see no reason to interfere. The Special Leave Petitions are dismissed.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master