

ITEM NO.6

COURT NO.5

SECTION XIA

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)...../2012  
CC 11470-11471/2012

(From the judgement and order dated 19/10/2011 in MACA No.740/2009,MACA No.741/2009 of The HIGH COURT OF KERALA AT ERNAKULAM)

ORIENTAL INSURANCE CO. LTD.

Petitioner(s)

VERSUS

JOY & ORS. ETC. ETC.

Respondent(s)

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

Date: 29/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Vishnu Mehra, Adv.

For Respondent(s)

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

The delay of 97 days in filing Special Leave Petition (C) CC Nos. 11470-11471 of 2012 is condoned.

We have heard learned counsel for the petitioner and perused the record. Since the impugned order is largely based on the judgment of this Court in National Insurance Co. Ltd. v. Swaran Singh (2004) 3 SCC 297 [paragraph 110 (iii), (iv) and (vi)], we do not find any justification to entertain the petitioner's challenge to the same because on the date of accident, the driver of the offending vehicle had a valid driving licence which entitled him to drive a light motor vehicle and the absence of badge was neither pleaded nor proved by the petitioner to be the cause of the accident.

The special leave petitions are accordingly dismissed.

The petitioner is directed to make the payment of compensation to the claimants within one month from today.

|(Parveen Kr.Chawla)

|Court Master

| |(Phoolan Wati Arora)

| |Court Master