

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. 6497/1998

The Oriental Insurance Co. Ltd. .. Appellant (s)

Vs.

Khajuni Devi & Ors. .. Respondent(s)

(with office report)

With C.A. No. 3205/1999

DATE : 2.11.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Appellant (s) : Mr. Kishori Rawat, Adv.
Mr. M.K. Dua, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J

The appeals are allowed. No order as to costs.

Charanjit

[Meena Trikha]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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In spite of service of notice no one appears for the respondents. Be that as it may, upon hearing the learned counsel for the appellant, we find that the law in regard to the relevant date for determining the rights and liabilities under the Workmen's compensation Act has been settled by a three Judge Bench of this Court in Kerala State Electricity Board Vs. Valsala K. And Anr. (1991 (8) SCC 254).In Valsala's Case (Supra) the decision of the two Judge Bench in New India Assurance Co. Ltd. Vs. V.K. Neelakandan (C.A. Nos. 16904-09/96, decided on 6.11.96) stands overruled and the instant judgment under appeal having been on specific reliance on an overruled judgment, we do find some force in the submission of the learned Advocate that Valsala's case (supra) has its application in all force in the contextual

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facts. In that view of the matter the law as declared in Valasala's case (supra) should be made applicable in the present case. The appeals are, therefore, allowed. The order of the High Court stands set aside. No order as to costs.

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[U.C. BANERJEE] @@
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[K.G. BALAKRISHNAN]@@
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New Delhi,@@
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November 2, 2000@@
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