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SLP(C)No. 262 OF 2001

ITEM No.18

Court No. 5

SECTION XV
A/N MATTER

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) No.262/2001

(From the judgement and order dated 15/05/2000 in FAO 352/00
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

UNITED INDIA INSURANCE CO. LTD.

Petitioner (s)

VERSUS

KALU & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP & substituted service)
(Office report)

Date : 08/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. A.K. Raina, Adv.
Mr. Anil Kumar Jha,Adv.

For Respondent (s) Mr. Abhishek Atrey, Adv.
Mr. S.P. Sharma,Adv.

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

.....L.....I.....J
.SP2

Leave granted.
The Appeal is disposed of in terms of the signed
order.

.SP1

(Meenu Sethi) (Om Prakash)
Court Master Court Master
Signed order is placed on the file

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1976 OF 2002@@
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(@ Special leave petition (C) No.262/2001)

United India Insurance Co. Ltd. ...Appellant

Versus

Kalu & Ors. ...Respondents

O R D E R

.SP2
.....L.....I.....J

Leave granted.

The question raised in this appeal is covered by a decision of this Court in Ved Prakash Garg Vs. Premi Devi & Ors.- JT 1997 (8) S.C. 229 wherein this Court has held that the burden of penalty is to be borne by the employer and not by the insurance Company. Following the said decision and for the reasons stated therein, this appeal is disposed of in the same terms as set forth therein.

.SP1
.....J
[S. RAJENDRA BABU]

.....J
[RUMA PAL]

New Delhi,
March 8, 2002.