

C.A.No. 565-580 OF 1998
ITEM No.107

Court No. 9

SECTION XVIA

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

Civil Appeal Nos.565-580/1998

NEW INDIA ASSURANCE CO. LTD.

Appellant (s)

VERSUS

SHABIR AHMED & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 06/08/2003 This Petition was called on for hearing today.

CORAM :

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

For Appellant (s)Mr. A.K. Raina, Adv. for
Mr. R.D. Upadhyay, Adv.

For Respondent (s)Ex-parte.

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

Heard learned counsel for the appellant for five minutes.
The appeals are dismissed in terms of the signed order. No order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.565-580 OF 1998

NEW INDIA ASSURANCE CO. LTD.

Appellant (s)

VERSUS

SHABIR AHMED & ORS.

Respondent (s)

O R D E R

These appeals are only against an interim order of the Motor Accident Claims Tribunal directing payment of the "no fault" liability provided under the Act. Pursuant to an order of this Court dated 27th January, 1998, this amount has already been deposited and withdrawn by the claimants. In our view, therefore, these appeals have really become infructuous. The question whether or not, on facts of this case, the Insurance Company can be made liable will have to be decided by the Motor Accident Claims Tribunal at the stage of final hearing. We, therefore, dismiss these appeals clarifying that it is open to the Insurance Company to take all contentions available to it. In the event of it being finally held that the Insurance Company is not liable they will undoubtedly be entitled to claim refund from the claimants or reimbursement from the owner. No order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
August 06, 2003.