

SLP(C)No. 22410 OF 2001

ITEM No.36

Court No. 2

SECTION IVA
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.22410/2001
(From the judgement and order dated 16/07/2001 in MA 1471/2000
of The HIGH COURT OF M.P AT JABALPUR)

NATIONAL INSURANCE CO. LTD.

Petitioner (s)

VERSUS

RAMJAN KHAN AND ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for deletion of the name of respondent 6 and 7
exemption from filing O.T.)

With

SLP(C)No.22829/2001,8192/2002,8194/2002,& SLP(C)No.8195/2002

Date : 02/09/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Jitendra Sharma,Sr.Adv.
Mr. Jamshed Bey,Adv.
Mr. Parmanand Gaur,Adv.

For Respondent (s) Mr. Prakash Shrivastava,Adv.
Mr. Anip Sachthey,Adv.
Ms. Kiran Suri,Adv.

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

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Names of respondents 6 & 7 deleted.

In view of the 3-Judge Bench decision of this Court in
Oriental Insurance Co.Ltd. Vs. Inderjit Kaur & Ors. 1998@
EE

(1) SCC 371 as well as the provisions of section 147 (5) and
149 (1) of the Motor Vehicles Act, the cover note having been
issued without any condition attached to the same, the
liability of the insurer towards the third party remains.
Consequently, we see no merit in the SLPs. The SLPs stand
dismissed.

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Mr. Sharma, the learned senior counsel, points out to
us a subsequent 2-Judge Bench decision of this Court in
National Insurance Co.Ltd. Vs. Seema Malhotra & ors. 2001@
EE
(3) SCC 151 wherein the question arose between the insurer and

the insured. The said decision has no application to the case in hand.

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(Y.P.Dhamija)
Court Master

(Suneet Bala Sharma)
Assistant Registrar