

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5120 OF 2013  
(Arising out of SLP(C) No. 21791/2010)

| Bajaj Allianz General Insurance | .. Appellant(s) |  
| Co. Ltd. | |

Versus

| Richpal & Ors. | .. Respondent(s) |

O R D E R

1. Leave granted.

2. This appeal, by special leave, is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in FAO No. 2332 of 2010 dated 05.05.2010.

3. Learned counsel for the appellant would state that the issue raised in this appeal is squarely covered by the decision of a three Judges Bench of this Court in the case of United India Insurance Company Limited vs. Shila Datta and Ors., (2011) 10 SCC 509.

4. Learned counsel for the respondents has not made his presence though he was informed by the learned counsel for the appellant that the case would be taken up today.

5. We have carefully gone through the impugned judgment and order passed by the High Court. In our opinion, the High Court while passing the impugned judgment and order has not taken into consideration the judgment of this court in Shila Datta's case (supra).

6. In the result, we allow this appeal and set aside the judgment and order passed by the High Court. We further remand the matter back to the High Court for fresh disposal in view of the observations made by this court in Shila Datta's case (supra).

Ordered accordingly.

.....J.  
[ H.L. DATTU ]

.....J.  
[ DIPAK MISRA ]

ITEM NO. 48

COURT NO.5

SECTION IVB

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(s).21791/2010  
(From the judgement and order dated 05/05/2010 in FAO No.2332/2010 of  
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BAJAJ ALLIANZ GEN.INS.CO.LTD.

Petitioner(s)

VERSUS

RICHPAL & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH SLP(C) NO. 25541 of 2010

(With office report)

Date: 03/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Priyadarsh Gopal, Adv.  
Ms. Rameeza Hakeem, Adv.  
for M/S. Law Associates,Advs.

For Respondent(s) Mr. Ashok Kumar Gupta II,Adv. (NP)

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

SLP(C) No. 21791 OF 2010

Leave granted.

The appeal is allowed in terms of the signed order.

SLP(C) No. 25541 of 2010

Keeping in view the smallness of amount involved in the

matter, we decline to exercise our jurisdiction under Article 136 of the Constitution. The special leave petition is dismissed accordingly.

| [ Charanjeet Kaur ] | | [ Vinod Kulvi ] |  
| Court Master | | Asstt. Registrar | |

[ Signed order is placed on the file ]