

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).4123/2008

(From the judgement and order dated 06/07/2007 in LPA No.78/2005 of The
HIGH COURT OF ORISSA AT CUTTACK)

NATIONAL INSURANCE CO.LTD.

Petitioner(s)

VERSUS

SABITRI BAI & ORS.

Respondent(s)

(With office report)

WITH

SLP(C) NO. 5777 of 2008

(With office report)

SLP(C) NO. 27943 of 2008

(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO. 24495 of 2010

(With prayer for interim relief and office report)

SLP(C) NO. 4151 of 2008

(With office report)

SLP(C) NO. 23885 of 2003

(With office report)

SLP(C) NO. 3145 of 2004

(With appln.(s) for c/delay in filing SLP, directions and office report)

Date: 06/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

Mr. S.L. Gupta,Adv.

Mrs. Mala Dubey,Adv.

Mr. M.S. Mangla,Adv.

Ms. Shalu Sharma,Adv.

Mr. Vishnu Mehra,Adv.

Ms. Sakshi Gupta,Adv.

Mr. Pramod Dayal,Adv.

Mr. Mukesh K. Giri,Adv.

- 2 -

Mr. Khalid Arshad,Adv.

Ms. Rameeza Hakeem,Adv.

For M/S Law Associates & Co.

For Respondent(s)

Mr. Shiv Sagar Tiwari,Adv.

Mr. Vimal Chandra S. Dave,Adv.

Mr. Praveen Agrawal,Adv.

Mr. M.R. Calla, Sr. Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Charu Mathur, Adv.
Mr. Praveen Agrawal, Adv.

Mr. Ratan Kumar Chaudhary, Adv.
Mr. Brahmajeet Mishra, Adv.

Ms. Nidhi, Adv. (SCLSC)

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

SLP(C)Nos.4123/2008, 5777/2008 and 27943/2008 are dismissed as having not pressed by learned counsel for the petitioner.

SLP(C)No.24495 of 2010 and SLP(C)No.4151 of 2008 are dismissed.

In SLP(C)No.23885/2003, the learned counsel for the petitioner seeks leave to withdraw the petition. The Special Leave Petition is accordingly dismissed as withdrawn.

SLP(C)NO.3145/2004

Delay condoned.
Leave granted. The appeal is allowed in terms of the signed order.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.5755 of 2012
(Arising out of SLP(C)No.3145/2004)

HIRA GIRI AND ANR. ...APPELLANTS

VERSUS

KESHWAR SAO (Dead by LRs)AND ANR. ...RESPONDENTS

O R D E R

In spite of the fact that service is complete, none entered appearance on behalf of the respondents.

Delay condoned. Leave granted.

In view of the fact that the learned Single Judge while dealing with the appeal under Section 173 of the Motor Vehicles Act has dismissed the appeal without giving any reason. Such an order is not sustainable in law. Being the statutory appeal, the learned Judge

ought to have given some reasons however brief it could have been.

In view of the above, the appeal is allowed and the impugned judgment and order dated 30.3.2000 passed by the High Court is set aside and we remand the matter to the High Court. We request the High Court to decide the matter afresh after making reference to the factual and legal submissions made before it, in accordance with law. As the matter is very old, we request the High court to decide the same expeditiously.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
AUGUST 6, 2012

.....J.
[SWATANTER KUMAR]