

ITEM NO.21

COURT NO.10

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C).....CC No.23628/2016

(Arising out of impugned final judgment and order dated 07/10/2015 in CR No. 49/2015 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SAFIQ AHMAD

Petitioner(s)

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO. LTD. AND ORS. Respondent(s)

I.A. 1/2016(with permission to file SLP and office report)

Date : 05/01/2017 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr V. Giri, Sr. Adv.
Mr. Anjani Kumar Mishra, Adv.
Mr. Shiv Ram Pandey, Adv.

For Respondent(s)

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

Permission to file the special leave petition is granted.

Delay condoned.

Having heard learned counsel for the petitioner and having perused the record of the case, we find no merit in the claim raised by the petitioner. No case is made out to interfere in the order.

However, having taken note of the facts which have been projected in the impugned order, the situation is very alarming, and therefore, it is imperative for us to find out whether the same scenario is prevailing in other Districts and other States also.

Hence, we propose to take up the matter for the aforesaid purpose, so as to see what guidelines can be issued in regard to prevent filing of such false and fabricated cases.

The facts, which are projected in the impugned order, indicates that 64 fake claim cases were pending in Districts Meerut, Ghaziabad, Lucknow, Muzaffar Nagar, Gorakhpur, Moradabad, Etawah, Allahabad, Raibareli, Sonbhadra, Mirzapur, Kanpur, Mainpuri, Farukhabad, Aligarh, Firozabad and Etah. The chart which was placed before the High Court shows that 29 fake claim cases have been decided in which compensation of Rs.1,23,77,540/- has been paid and claims for over rupees Six crores amount are still pending. It is further mentioned in the impugned order that 30 fraudulent claims were filed under Workmen Compensation Act in District Saharanpur but when Deputy Labour Commissioner who was posted in Saharanpur was transferred to District Moradabad, all those cases were got dismissed and re-instituted at Moradabad where the same Deputy Labour Commissioner has been transferred.

Workmen Compensation Commissioner made a complaint to Bar Council of Uttar Pradesh, and an application has also been moved by the Insurance Company for taking action against advocates. Several other instances have been mentioned in the impugned order. Keeping in view the seriousness of the kind of fraud, the High Court has rightly constituted a Special Investigation Team headed by A.D.G. (Special Enquiries).

The situation is really alarming. Similar scenario cannot be ruled out elsewhere in other States/Union Territories also, which is required to be looked out.

Thus we propose to issue notice to all the States/Union Territories and insurance companies as to what steps can be taken to rule out the filing of fake cases and what remedial measures can be taken. The notice be also issued to the High Courts through Registrars so as to ascertain from MACTs such doubtful cases which prima facie may require investigation and to prevent filing of such fabricated cases.

It is also considered necessary to issue notice to the Bar Council of Uttar Pradesh and to the Bar Council of India, through their Secretaries to find out what action has been taken or proposed against the named advocates, who have indulged in such unethical practice.

Let notice issue to all the States/Union Territories, Registrar General of High Court including Bar Council of India and Bar Council of Uttar Pradesh within a period of 15 days, returnable in six weeks. Let the responses be filed within a period of six weeks.

Notice also be issued to the Union of India through the Central Law Agency so as to enable the Union of India to assist the Court in the matter. Let notice be issued by Registry.

List after six weeks.

(RASHMI DHYANI)
SR.P.A.

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER