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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

RECORD OF PROCEEDINGS

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.

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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).

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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