

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)...../2014
CC 6922/2014

(From the judgement and order dated 09/12/2013 in MACA No.929/2012,
of The HIGH COURT OF ORISSA AT CUTTACK)

NEW INDIA ASSURANCE CO. LTD. Petitioner(s)

VERSUS

RINKI PANDA & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP)
WITH S.L.P.(C)...CC NO. 7267 of 2014
(With appln(s) for c/delay in filing SLP and office report)

Date: 06/05/2014 These Petitions were called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)
Mr. Amit Kumar Singh, Adv.
Ms.K.Enatoli Sema,Adv.

For Respondent(s)

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

Delay is condoned.

The case of petitioner - Insurance Company is that the rickshaw which is involved in the accident is not the rickshaw which is insured by the petitioner. It is contended that two Writ Petitions are pending in the Orissa High Court, one is filed by the petitioner and the other is filed by one Mr. Manoranjan Sahoo who is the lessee of respondent no.4.

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Counsel for the petitioner submitted that it is necessary for the High Court to first decide as to which rickshaw was involved in the accident or whether any rickshaw was at all involved in the accident. He submitted that under the circumstances, it is wrong to fasten the liability on the Insurance Company.

We are not inclined to interfere with the impugned order. In any case ultimately if it transpires that no rickshaw at all was involved in the accident or that the rickshaw that is involved in the accident is not the rickshaw which is insured by the petitioner, the petitioner can have recourse to all the remedies which are available to it in law including remedy for recovering the money from the real owner of the offending rickshaw. Needless to say that it will be open to the petitioner to adopt such proceedings as it can adopt in law against the Police Authorities. We make it clear, however, that we have expressed no

opinion on this aspect.

The Special Leave Petitions are disposed of in the afore-stated terms.

(Vishal Anand)
Court Master

(Indu Pokhriyal)
Court Master