

ITEM NO.6

COURT NO.6

SECTION IX

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) No(s). 8195/2022

(Arising out of impugned final judgment and order dated 17-03-2022 in FA No. 61/2017 passed by the High Court Of Judicature At Bombay At Goa)

THE NEW INDIA ASSURANCE CO. LTD.

Petitioner(s)

VERSUS

KRISHNA SAKHARAM BAING & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.65926/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65928/2022-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

Date : 12-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

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

For Respondent(s)

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

Applications for exemption from filing c/c of the impugned judgment and seeking exemption from filing original Vakalatnama/other Document are allowed.

Learned counsel for the petitioner contends that the legal position was settled in *United India Insurance Co. Ltd. v. Shila Datta & Ors.* - (2011) 10 SCC 509 in para 14 to the effect that when an insurer is impleaded as a party respondent to the claim

petition, as contrasted from merely being a noticee under Section 149 (2) of the Motor Vehicles Act, 1988 the significance is different. If he is the party respondent, he can not only raise grounds which are available under Section 149(2) but also other grounds that are available to a person against whom a claim is made. It is his submission that though on this matter certain appeals were pending before this Court, they were subsequently summarily dismissed without examining this question of law which has been kept open. It is his submission that this principle is affecting a large number of cases.

Issue notice.

On the issue of interim relief, it has been stated that amount of compensation has been deposited before the High Court. In view thereof, 75% of the amount be released to the claimant and 25% be retained in the High Court to be kept in an interest bearing account.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)