

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 24077/2017
(arising out of SLP (C) No. 29652/2016)

B.K. GUPTA & ANR. Appellants
VERSUS
NEELAM SINGH & ORS. Respondents

O R D E R

Leave granted.

Heard Mr. Aftab Ali Khan, learned counsel for the appellants and Mr. D.K. Sinha, learned counsel for the insurer.

It is an accepted position that the present controversy is covered by the decision in Mukund Dewangan vs. Oriental Insurance Company Limited, (2017) 7 SCALE 731.

In view of the aforesaid, the liability should not have been fixed on the appellants, but on the insurer. We have been apprised that the insurer has already deposited the amount, and the same has been withdrawn by the claimant.

In view of the above, the execution case initiated against the appellants for recovery shall stand closed.

The appeal is disposed of in the above terms. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[Sanjay Kishan Kaul]

New Delhi;
December 22, 2017.

ITEM NO.27

COURT NO.1

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 for Special Leave to Appeal (C) No. 29652/2016

(Arising out of impugned final judgment and order dated 26-04-2016 in FAFOD No. 570/2016 passed by the High Court Of Judicature At Allahabad)

B.K. GUPTA & ANR.

Petitioners

VERSUS

NEELAM SINGH & ORS.

Respondents

Date : 22-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioners

Mr. Aftab Ali Khan, Adv.
Mr. Sajid Imam Naqvi, Adv.
Mr. Anil K. Chopra, AOR

For Respondents

Mr. Dharmendra Kumar Sinha, AOR
Mr. Navdeep Singh, Adv.
Mr. Ravi Mehrotra, Adv.
Mr. Kunwar Ratnesh R., Adv.
Mr. R.G. Sinha, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending interlocutory applications, if any, also stand disposed of.

(Deepak Guglani)
Court Master

(Jagdish Chander)
Court Master

(Signed order is placed on the file)