

ITEM NO.15

COURT NO.5

SECTION XV

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). 27787/2017

(Arising out of impugned final judgment and order dated 04-08-2017 in SBCMA No. 5127/2011 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

M/S. BAJAJ ALLIANCE GENERAL INSURANCE CO.LTD. Petitioner(s)

VERSUS

RAMBHA DEVI & ORS. Respondent(s)

(FOR ADMISSION and IA No.105504/2017-EXEMPTION FROM FILING O.T.)

Date : 31-10-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
 HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. N. K. Kaul, Sr. Adv.
 Mr. A. N. Krishnaswamy, Adv.
 Ms. Archana Pathak Dave, AOR
 Mr. Devanshu Sajlan, Adv.
 Mr. Sanyat Lodha, Adv.

For Respondent(s)

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

The learned senior counsel appearing for the petitioner submits that for the purpose of this case, they are, in no way, asking for reconsideration of the amounts already awarded to the claimants. It is further submitted that the amount as awarded had already been deposited and it can be withdrawn by the claimants.

The above submissions are recorded.

All that they pray is a notice in terms of Question No. 2, which reads as follows :-

"Whether Hon'ble High Court ought not to have wrongly dismissed the Appeal while

wholly relying on the Judgment of this Hon'ble Court in Mukund Dewangan Vs. Oriental Insurance Company Limited & Ors. ; C.A.5826 of 2011 which has defeated its objective has led to more ambiguity towards the definition of the Light Motors Vehicle (LMV) as per section 2(21) of the Motor Vehicles Act, 1988 as well as in regard of the amended section 10(2) of said Act, 1988 as the two stands contracting other provisions of the act in a way making them infructuous. That the passing of the pay and recover order such as this one after appreciating the contentions and circumstances of the petitioner herein would out rightly defeat the mandate as prescribed and intention of the legislature in incorporating the provisions of the MV Act."

For deciding the above question, the respondents are only proforma parties and, therefore, no notice need be issued to them. However, we request Mr. Joy Basu, learned senior counsel, to assist to the court as Amicus Curiae.

The petitioner is directed to serve a copy of the Special Leave Petition to the learned Amicus Curiae.

List on 16.01.2018.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR