

ITEM NO.109

COURT NO.2
(THROUGH HYBRID MODE OF HEARING)

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.841/2018

M/s. BAJAJ ALLIANCE GENERAL INSURANCE CO. LTD.

Appellant

VERSUS

RAMBHA DEVI & ORS.

Respondents

WITH

SLP(C) No.18849/2019 (IV-A)
(IA No.2041/2022 - FOR PERMISSION FOR WITHDRAWAL OF AMOUNT)

SLP(C) Nos.14645-14646/2017 (IV-A)

SLP(C) Nos.35472-35473/2017 (XVII-A)
(IA No.130122/2017 - FOR CONDONATION OF DELAY IN FILING; IA No.130111/2017 - FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS; IA No.130113/2017 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No. 130114/2017 - FOR EXEMPTION FROM FILING O.T.)SLP(C) No.6055/2018 (IV-A)
(IA No.24588/2018 - FOR EXEMPTION FROM FILING O.T.)

C.A. No.1477/2018 (IV-A)

C.A. No.842/2018 (XII-A)
(IA No.103173/2019 - FOR WITHDRAWAL OF CASE)

C.A. No.483/2018 (IV-A)

C.A. No.1478/2018 (IV-A)

Diary No.40406/2017 (IV-A)
(FOR ADMISSION and I.R.; IA No.10034/2018 - FOR CONDONATION OF DELAY IN FILING; IA No.10039/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.10036/2018 - FOR CONDONATION OF DELAY IN REFILING)

C.A. No.1476/2018 (IV-A)

Diary No.41949/2017 (IV-A)
(FOR ADMISSION and I.R.; and, IA No.2817/2018 - FOR CONDONATION OF DELAY IN FILING)

SLP(C) No.597/2018 (IV-C)
(IA No.3888/2018 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.524/2018 (IV-C)
(IA No.3532/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.3528/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.2524/2018 (IV-A)
(FOR ADMISSION and I.R.; IA No.74496/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.74497/2018 - FOR CONDONATION OF DELAY IN REFILING)

SLP(C) No.9604/2018 (IV-A)
(FOR ADMISSION and I.R.; and, IA No.44779/2018 - FOR CONDONATION OF DELAY IN FILING)

SLP(C) No.9613/2018 (IV-A)

SLP(C) No.17506/2018 (IV-A)
(IA No.49692/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.49692/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No.9970/2018 (XV)
(FOR ADMISSION and I.R.; IA No.70678/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.70679/2018 - FOR CONDONATION OF DELAY IN REFILING)

SLP(C) Nos.19242-19244/2018 (IV-C)

Diary No.23636/2018 (IV-C)
(IA No.93154/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.93155/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.23638/2018 (IV-C)
(IA No.95171/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.95172/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.24137/2018 (IV-A)
(FOR ADMISSION and I.R.; IA No.109284/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.109286/2018 - FOR CONDONATION OF DELAY IN REFILING)

Diary No.24530/2018 (XV)
(FOR ADMISSION and I.R.; IA No.100935/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.100934/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.24534/2018 (XV)
(IA No.107670/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.107674/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.24834/2018 (IV-C)
(FOR ADMISSION and I.R.; IA No.109091/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.109092/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.25256/2018 (XV)
(FOR ADMISSION and I.R.; IA No.134006/2018 - FOR CONDONATION OF DELAY IN FILING; IA No.134008/2018 - FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS; and, IA No. 134009/2018 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.24671/2018 (IV-A)
(FOR ADMISSION and I.R.; and, IA No.117330/2018 - FOR EXEMPTION FROM FILING O.T.)

Diary No.32753/2018 (IV-B)
(IA No.162746/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.162751/2018 - FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Diary No.32756/2018 (IV-B)
(IA No.157609/2018 - FOR CONDONATION OF DELAY IN FILING; IA No.157611/2018 - FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS; and, IA No.157613/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No.37055/2018 (IV-B)
(IA No.156105/2018 - FOR CONDONATION OF DELAY IN FILING)

Diary No.39059/2018 (IV-B)
(IA No.155184/2018 - FOR CONDONATION OF DELAY IN FILING)

SLP(C) No.426/2019 (IV-B)

SLP(C) Nos.505-506/2019 (XV)

SLP(C) No.5958/2019 (XV)

SLP(C) Nos.11503-11504/2019 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No.13315/2019 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) Nos.14523-14524/2019 (XIV)
(FOR ADMISSION and I.R.)

SLP(C) No.20449/2019 (IV-A)
(FOR ADMISSION and I.R.; and, IA No.118586/2019 - FOR CONDONATION OF DELAY IN FILING)

SLP(C) No.21547/2019 (XIV)
(IA No.128215/2019 - FOR CONDONATION OF DELAY IN FILING; and, IA No.128218/2019 - FOR ADDITION/DELETION/MODIFICATION OF PARTIES)

SLP(C) Nos.23017-23018/2019 (IV-B)

C.A. Nos.8001-8002/2019 (IV)

SLP(C) No. 766/2020 (XV)
(IA No.186784/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.24545/2019 (IV-B)

SLP(C) Nos.30420-30421/2019 (IV-A)

SLP(C) No.696/2021 (XIV)

SLP(C) Nos.3735-3736/2021 (IV-A)
(IA No.30262/2021 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.30264/2021 - FOR EXEMPTION FROM FILING AFFIDAVIT)

C.A. No.1506/2018 (IV-A)

Diary No.37270/2017 (XII)
(IA No.10168/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.10171/2018 - FOR CONDONATION OF DELAY IN REFILING)

C.A. No.1479/2018 (IV-A)

SLP(C) Nos.2684-2685/2018 (XI-A)

SLP(C) No.5065/2018 (IV-A)

SLP(C) No.10459/2018 (XV)

SLP(C) No.9908/2018 (X)

SLP(C) No.6668/2018 (XV)

Diary No.4869/2018 (IV-C)
 (FOR ADMISSION and I.R.; IA No.51454/2018 - FOR CONDONATION OF
 DELAY IN FILING; IA No.51457/2018 - FOR EXEMPTION FROM FILING O.T.;
 and, IA No.51455/2018 - FOR CONDONATION OF DELAY IN REFILING)

Diary No.6119/2018 (IV-A)
 (FOR ADMISSION and I.R.; and, IA No.37735/2018 - FOR CONDONATION OF
 DELAY IN FILING)

Diary No.6264/2018 (XIV)
 (FOR ADMISSION and I.R.; IA No.52062/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.52064/2018 - FOR CONDONATION OF DELAY
 IN REFILING)

SLP(C) No.8816/2018 (IV-A)

SLP(C) No.9607/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45086/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45089/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9610/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45080/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45083/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9612/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45273/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45275/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9608/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45021/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45024/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9606/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45601/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45603/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9609/2018 (IV-A)
 (FOR ADMISSION and I.R.; IA No.45282/2018 - FOR CONDONATION OF
 DELAY IN FILING; and, IA No.45283/2018 - FOR EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

Diary No.9963/2018 (XV)
(FOR ADMISSION and I.R.; IA No.58464/2018 - FOR CONDONATION OF DELAY IN FILING; IA No.58466/2018 - FOR EXEMPTION FROM FILING O.T.; and, IA No.58465/2018 - FOR CONDONATION OF DELAY IN REFILING)

SLP(C) No.28906/2018 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No.5193/2018 (IV-A)
(FOR ADMISSION and I.R.)

C.A. No.1475/2018 (IV-A)

Diary No.990/2018 (IV-C)
(IA No.21136/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.21139/2018 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.5188/2018 (IV-A)
(FOR ADMISSION and I.R.)

SLP(C) No.9611/2018 (IV-A)
(FOR ADMISSION and I.R.; IA No.45036/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.45039/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No.9605/2018 (IV-A)
(FOR ADMISSION and I.R.; IA No.45320/2018 - FOR CONDONATION OF DELAY IN FILING; and, IA No.45322/2018 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 08-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

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Mr. Sibbo Sankar Mishra, AOR

Mr. Subhro Sanyal, AOR

Mr. Prakash Ranjan Nayak, AOR

M/s. S-legal Associates, AOR

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

All the matters, except SLP (Civil) Nos.30420-30421/2019 and SLP(C) Nos.3735-3736/2021, stand referred to the larger Bench, in terms of the Signed Order placed on the file.

The operative portion of the Order reads as under:

"1. On a reference made by a Two-Judge Bench in Civil Appeal No.841 of 2018 and other connected matters, these matters have been listed before us.

5. Having bestowed our attention to the contentions raised by the learned counsel and the issues which fall for consideration, in our view, the referral order was right in stating that certain provisions were not noticed by this Court in its decision in *Mukund Dewangan (supra)*. We are *prima facie* of the view that in terms of the referral order, the controversy in question needs to be re-visited. Sitting in a combination of Three Judges, we deem it appropriate to refer the matters to a larger bench of more than Three Judges as the Hon'ble the Chief Justice of India may deem appropriate to constitute.

6. The Registry is, therefore, directed to place these matters, except SLP (Civil) Nos.30420-30421/2019 and SLP(C) Nos.3735-3736/2021, before the Hon'ble the Chief Justice of India to constitute a Bench of appropriate strength to consider all these issues.

7. Before we part, we must note that all the learned counsel appearing for the Insurance companies have fairly submitted that the compensation in terms of the directions issued by the Courts below, that is to say, in following the principles laid down in *Mukund Dewangan (supra)* has either been paid in full or shall be paid in terms of such directions. Their statements are recorded.

SLP (Civil) Nos.30420-30421/2019; and, SLP(C) Nos.3735-3736/2021

8. At the request of the learned counsel, these matters are detagged.

List these matters on 09.03.2022."

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER