

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) No(s).15684/2003

(From the judgement and order dated 30/05/2003 in RP No. 1804/2003 of The
NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

JAVED ALAM

Petitioner(s)

VERSUS

INDERJIT KAUR & ANR.

Respondent(s)

(With prayer for interim relief) (For final disposal)

Date: 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr.Vipin Gogia,Adv.

Mr.vineet Goyal,Adv.

Ms. Jaspreet Gogia,Adv.

For Respondent(s) Ms.Shikha Roy,Adv.

Mr.S.K.Pabbi,Adv.

Mr. S.K. Sabharwal,Adv.

Mr.Sunil Kapoor,Adv.

Mr. M.K. Dua ,Adv

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of but without any order as to costs.

(Usha Bhardwaj)

(Madhu Saxena)

P.S. To Registrar

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2655 OF 2005

(Arising out of S.L.P.(Civil) No.15684 of 2003)

Javed Alam
Appellant(s)

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Versus

Inderjit Kaur & Anr.
Respondent(s)

..

O R D E R

Leave granted.

A complaint was filed before the Consumer Forum by the respondent No.1

claiming damages on the ground of medical negligence. The complaint was allowed by

the District Forum. The State Commission and the National Commission both

dismissed the further appeals preferred by the appellant. The only question which the

appellant seeks now to raise is whether the New India Assurance Company from which the appellant has taken an insurance policy could be directed to meet the claim which has now been found against the appellant.

We have been taken through the stand of the Insurance Company before the District

Forum. There is no denial of liability under the insurance policy. All that has been

decided is the liability of the respondent No.1 himself. The learned counsel appearing

on behalf of the Insurance Company readily concedes that the matter is in fact covered

by the insurance policy taken out by the appellant in respect of the claim of medical

negligence. In that view of the matter, the appeal is disposed of by directing the

respondent Insurance

:2:

Company to indemnify the appellant to the extent of its liability under the insurance

policy.

The respondent No.1 will be entitled to withdraw the amount deposited by the

appellant in the District Forum pursuant to the order passed by this Court on 5th

September, 2003. The Insurance Company, upon proof of such withdrawal shall

indemnify the appellant within a period of two weeks thereafter.

The appeal is, accordingly, disposed of but without any order as to costs

UMA PAL]

.....J [R

K. THAKKER]

.....J [C.

NEW DELHI,

APRIL 18, 2005.