

\222"

SLP(C)No. 21079 OF 2000  
ITEM No.23

Court No. 8

SECTION XVII  
A/N MATTER

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.21079/2000

(From the judgement and order dated 04/07/2000 in LPA 523/2000  
of The HIGH COURT OF PATNA)

NATIONAL INSURANCE COMPANY LTD.

Petitioner (s)

VERSUS

NIKHAT REYAZI & ORS.

Respondent (s)

(With prayer for interim relief and Office Report)

Date : 29/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr.Mukul Rohatgi, ASG  
Mr.B.K.Satiya,Adv.,  
Mr.Joy Basu,Adv.

For Respondent (s)

Mr.Deba Prasad Mukherjee,Adv.,  
Ms. Nandini Mukherjee,Adv.  
  
Mr.Ravi Shankar Kumar,Adv.,  
Mr.Rakesh Garg,Adv.,  
Ms.Kamakshi S. Mehlwal,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
Heard the learned counsel for the parties.

Leave granted.

Pursuant to the order dated 15.12.2000 passed by this Court the insurance company has deposited the decretal amount. In this view of the matter at present the impugned orders passed by the courts below do not call for any interference. Trial court is directed to decide the matter afresh, in the main judgment to be delivered upon conclusion of the proceeding, in accordance with law by considering the judgment rendered by this Court in National Insurance Company Ltd. vs. Seema Malhotra & Ors. (2001) 3 SCC 151 without being prejudiced by any observation in the impugned orders. The appeal stands disposed of accordingly.

.SP1

(Vijay Kumar Sharma)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file.

.PA

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 8333 OF 2001  
[ARISING OUT OF SLP (©) NO. 21079 OF 2000]

National Insurance Company Ltd. & .Appellant  
Vs.  
Nikhath Reyazi & Ors. Respondents

O R D E R

Heard the learned counsel for the parties.

Leave granted.

By the impugned orders the appellant - Insurance Company has been directed to pay interim maintenance under Section 140 of the Motor Vehicles Act, 1988. As per our order dated 15.12.2000 the Insurance Company has deposited the decretal amount. In this view of the matter at present the impugned orders passed by the courts below do not call for any interference. The trial court is directed to decide the matter afresh, in the main judgment to be delivered upon conclusion of the proceeding, in accordance with law by considering the judgment rendered by this Court in National@  
CCCCCCCC  
Insurance Company Ltd. Vs. Seema Malhotra & Ors., (2001) 3@@  
CCCCCCCCCCCCCCCCCCCC CCCCCCCCCCCCCCCCCCCCCC  
SCC 151 without being prejudiced by any observation in the impugned orders.

The appeal stands disposed of accordingly.

& & & & & & & & & .J.  
[M.B. SHAH]

& & & & & & & & & J.  
[B.N.AGRAWAL]

NEW DELHI,  
November 29, 2001.