

SUPREME COURT OF INDIA

Before: Justice Sanjay Kishan Kaul and Justice M.M. Sundresh.

THE NEW INDIA ASSURANCE CO. LTD. Petitioner(s)

Versus

KRISHNA SAKHARAM BAING & ORS. Respondent(s)

Petition(s) for Special Leave to Appeal (C) No(s). 8195/2022

(Arising out of impugned final judgment and order dated 17-03-2022 in FA No. 61/2017 passed by the High Court Of Judicature At Bombay At Goa)

12.05.2022

Motor vehicles Act, 1988 - S. 149(2) - When an insurer is impleaded as a party respondent to the claim petition, as contrasted from merely being a noticee under Section 149 (2) of the Motor Vehicles Act, 1988 , if he is the party respondent, he can not only raise grounds which are available under Section 149(2) but also other grounds that are available to a person against whom a claim is made - It is submission of the appellant that though on this matter certain appeals were pending before this Court, they were subsequently summarily dismissed without examining this question of law which has been kept open - Notice issued. *United India Insurance Co. Ltd. v. Shila Datta, (2011) 10 SCC 509, referred.*

For Petitioner(s) Mr. Amit Kumar Singh, AOR, Mrs. K. Enatoli Sema, Ms. Chubalemla Chang.

UPON hearing the counsel the Court made the following

ORDER

Applications for exemption from filing c/c of the impugned judgment and seeking exemption from filing original Vakalatnama/other Document are allowed.

Learned counsel for the petitioner contends that the legal position was settled in *United India Insurance Co. Ltd. v. Shila Datta & Ors. - (2011) 10 SCC 509* in para 14 to the effect that when an insurer is impleaded as a party respondent to the claim petition, as contrasted from merely being a noticee under Section 149 (2) of the Motor Vehicles Act, 1988 the significance is different. If he is the party respondent, he can not only raise grounds which are available under Section 149(2) but also other grounds that are available to a person against whom a claim is made. It is his submission that though on this matter certain appeals were pending before this Court, they were subsequently summarily dismissed without examining this question of law which has been kept open. It is his submission that this principle is affecting a large number of cases.

Issue notice.