

ITEM NO.39

COURT NO.6

SECTION IVB

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) Nos.11801-11804/2005

(Arising out of impugned final judgment and order dated 07/12/2004 in FAO No. 4845/2003 07/12/2004 in FAO No. 4846/2003 07/12/2004 in FAO No. 4847/2003 07/12/2004 in FAO No. 4848/2003 passed by the High Court of Punjab & Haryana at Chandigarh)

JAI PRAKASH

Petitioner(s)

VERSUS

M/S. NATIONAL INSURANCE CO. & ORS.
(For Final Disposal)

Respondent(s)

Date : 13/05/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE S.A. BOBDE

Amicus Curiae

Mr. Gopal Subramaniam Sr. Adv.
Mr. Talha Abdul Rahman, Adv.
Ms. Anusha Ramesh, Adv.

For Petitioner(s)

Mr. Manoj Swarup, Adv.
Ms. Lalita Kohli, Adv.
Mr. Abhishek Swarup, Adv.
For M/s Manoj Swarup & Co., AOR

For Respondent(s)

Mr. Ranjit Kumar, SG
Mr. Atul Nanda, Sr. Adv.
Ms. Rameeza Hakeem, Adv.
Mr. Priyadarshi Gopal, Adv.
For M/s. Law Associates

Mr. Gopal Singh, AOR
Mr. Rituraj Biswas, Adv.
Mr. Aditya Raina, Adv.

Mr. P. K. Manohar, AOR

Ms. Manjeet Chawla, AOR

Mr. S.L. Gupta, Adv.
Mr. Varinder Kumar Sharma, Adv.

Mr. Dinesh Kumar, Adv.
Ms. Shalu Sharma, AOR
Mr. M.S. Mangla, Adv.
Mr. P.K. Singh, Adv.
Mr. M.K. Thakur, Adv.

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

Heard Mr. Ranjit Kumar, learned Solicitor General of India and Mr. Gopal Subramaniam, learned Senior Counsel appearing as Amicus Curiae.

The learned counsel submitted that in respect of the legislative changes suggested in the judgment rendered in Jai Prakash v. National Insurance Company Limited and Others, reported in (2010) 2 SCC 607, there is a Bill already introduced for amendment to the Motor Vehicles Act and that it is currently pending before the Parliament for consideration. Barring that, one other aspect which required to be dealt with immediately by way of suggestion to the Insurance Councils is in paragraph 23, which reads as under:-

"23. In cases of death, where the liability of the insurer is not disputed, the insurance companies should, without waiting for the decision of the Motor Accidents Claims Tribunal or a settlement before the Lok Adalat, endeavour to pay to the family (legal representatives) of the deceased, compensation as per the standard formula determined by the decisions of this Court."

Insofar as the said suggestion is concerned, learned Solicitor General drew our attention to the response filed before us on behalf of the General Insurance Council, in particular paragraph 4, which states that presently the procedure suggested in Paragraph 23 is being followed by the Insurance Companies in Delhi by way of a Scheme called "Claims Tribunal Agreed Procedure" which was formulated by the Delhi High Court in the judgment dated 16.12.2009 passed in FAO No.843 of 2003 in Rajesh Tyagi & Ors. v. Jaibir Singh

& Ors. It is also mentioned therein that Tribunal as well as the Legal Service Authority are taking effective steps to implement the said procedure, which is being carried out in the National Capital Territory of Delhi. In paragraph 5, it is further submitted that since this procedure has been successful in Delhi it can be extended on pan India basis. The agreed procedure has also been filed as Annexure R5 with the response filed on behalf of the General Insurance Council.

We have also perused the procedure, which has been placed before us as Annexure R5 with the response which, in our view, appears to be a comprehensive one and that we can issue further directions to the Registrar General of the Delhi High Court to ensure that procedure is strictly followed insofar as Delhi is concerned and also circulate the said procedure to all the other High Courts and the Registrar General of all the other High Courts are directed to ensure that the said procedure is implemented through the Motor Accidents Claims Tribunals in coordination with the Legal Service Authorities as well as the Director General of Police of the States concerned.

The Registry of the Supreme Court is directed to forward a copy of this order along with Annexure R5 (pages 32 to 46 in the response filed on behalf of the General Insurance Council) to all the High Courts including the Delhi High Court to ensure compliance of the present order.

On the remaining aspects, we will make further consideration after reopening on 12.07.2016.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER