

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.7632 OF 2012
(SPECIAL LEAVE PETITION(C.)NO.10128 OF 2006)**

NATIONAL INSURANCE CO. LTD. . . .APPELLANT

VERSUS

SMT. MANJU MAJUMDER & ANR. . . .RESPONDENTS

W I T H

C.A.NO.7633 OF 2012 @ S.L.P.(C)NO.10130/2006

C.A.NO.7634 OF 2012 @ S.L.P.(C)NO.10132/2006

C.A.NO.7635 OF 2012 @ S.L.P.(C)NO.10133/2006

C.A.NO.7636 OF 2012 @ S.L.P.(C)NO.10315/2006

C.A.NO.7637 OF 2012 @ S.L.P.(C)NO.16460/2006

C.A.NO.7638 OF 2012 @ S.L.P.(C)NO.10390/2006

C.A.NO.7639 OF 2012 @ S.L.P.(C)NO.10217/2006

C.A.NO.7640 OF 2012 @ S.L.P.(C)NO.20966/2006

C.A.NO.7641 OF 2012 @ S.L.P.(C)NO.15699/2008

AND WITH

CIVIL APPEAL NO.1889/2008

O R D E R

- 1. Delay condoned.**
- 2. Leave granted in all the Special Leave Petitions.**

C.A. Nos.arising out of SLP Nos.: 10128/2006, 10130/2006, 10132/2006 10133/2006, 10315/2006, 16460/2006, 10390/2006, 10217/2006

1. These appeals are directed against the common judgment and order dated 03.03.2006 passed by the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh in Writ Petition No.7008 of 2005, 7278 of 2004, 2556 of 2005, 3208 of 2005, 4619 of 2004, 3181 of 2000, 3336/2001 and 2105 of 2005 whereby the High Court has dismissed the appeals.

2. We have heard learned counsel for the parties to the *lis*.

3. The issues raised in these appeals, in our view, is no more res integra, in view of the decision of this Court in the case of United Insurance Co. Ltd. Vs. Shila Datta & Ors, reported in (2011) 10 SCC 509.

4. Following the observations made in the aforesaid decision, these appeals are disposed of. We set aside the impugned judgment and order passed by the High Court and remand the matters to the High Court.

5. We request the High Court to restore the appeals to its file and decide the same on merits and in accordance with law after issuing appropriate notice to both the parties in each case.

Ordered accordingly.

C.A. Nos.arising out of SLP NO. 20966/2006

1. This appeal is directed against the judgment and order dated 13.07.2006 passed by the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh in C.R.P. No.29/2006 whereby the High Court has dismissed the review petition.

2. We have heard learned counsel for the parties to the *lis*.

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3. The issues raised in this appeal, in our view, is no more res integra, in view of the decision of this Court in the case of United Insurance Co. Ltd. Vs. Shila Datta & Ors, reported in (2011) 10 SCC 509.

4. Following the observations made in the aforesaid decision, this appeal is disposed of. We set aside the impugned judgment and order passed by the High Court and

remand the matter to the High Court.

5. We request the High Court to restore the appeal to its file and decide the same on merits and in accordance with law after issuing appropriate notice to both the parties in each case.

Ordered accordingly.

C.A. Nos.arising out of SLP NO.SLP NO. 15699/2008

1. This appeal is directed against the judgment and order dated 25.02.2008 passed by the High Court of Delhi in MAC APP No.164/2004 whereby the High Court has dismissed the appeal of the petitioner.

2. We have heard learned counsel for the parties to the *lis*.

3. The issues raised in this appeal, in our view, is no more res integra, in view of the decision of this Court in the case of United Insurance Co. Ltd. Vs. Shila Datta & Ors, reported in (2011) 10 SCC 509.

4. Following the observations made in the aforesaid

decision, this appeal is disposed of. We set aside the impugned judgment and order passed by the High Court and remand the matter to the High Court.

5. We request the High Court to restore the appeal to its file and decide the same on merits and in accordance with law after issuing appropriate notice to both the parties of the case.

Ordered accordingly.

C.A. NO. 1889/2008

1. This appeal is directed against the judgment and order dated 10.10.2007 passed by the High Court of Delhi in MAC APP No.265/2007 whereby the High Court has dismissed the appeal of the petitioner.

2. We have heard learned counsel for the parties to the *lis*.

3. The issues raised in this appeal, in our view, is no more res integra, in view of the decision of this Court in the case of United Insurance Co. Ltd. Vs. Shila Datta & Ors, reported in (2011) 10 SCC 509.

4. Following the observations made in the aforesaid

decision, this appeal is disposed of. We set aside the impugned judgment and order passed by the High Court and remand the matter to the High Court.

5. We request the High Court to restore the appeal to its file and decide the same on merits and in accordance with law after issuing appropriate notice to both the parties of the case.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
OCTOBER 19, 2012

JUDGMENT