

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).4232 OF 2008
(arising out of SLP(C)No.7373/2006)

NATIONAL INSURANCE CO. LTD. ...Appellant

VERSUS

BHARAT BHUSHAN & ANR. ...Respondents

ORDER

Leave granted.

This is an appeal from an order dated 7th of December, 2005 passed by the High Court of Judicature at Allahabad in First Appeal from Order No.2964 of 2005.

The following order was passed by the Division Bench of the High Court:

“Supplementary affidavit filed today may be taken on record. Heard Sri V.K. Birla, learned counsel for the appellant. The appeal laches merit, therefore dismissed summarily. The statutory deposit made before this court be remitted to the Tribunal within 3 weeks.”

After going through the impugned order, we are of the view that the High Court had disposed of the appeal without applying its mind and without passing a speaking and reasoned order. That being the position, only on this ground the matter is remitted back to the High Court for fresh disposal in accordance with law. It is expected that this time, the High Court shall decide the same by passing a speaking and a reasoned order.

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We are informed by the learned counsel for the respondent no.1 that the money has already been paid by the Appellant-Insurance Company. If any application is filed by the appellant before the High Court for refund of that money, the same shall be decided at the earliest. It would be open for the respondent to contest the same.

The impugned order is accordingly set aside and the appeal is allowed to the extent indicated above without order as to costs. Interim order, if any, stands vacated.

**.....J.
(TARUN CHATTERJEE)**

**.....J.
(AFTAB ALAM)**

**NEW DELHI,
July 8, 2008.**