

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 53 OF 2012

RAJESH KUMAR & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order, amendment of the petition, impleadment and an application for discharge)

Date: 10/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.
Mr. Arun K. Sinha, Adv.
Mr. Rakesh Singh, Adv.
Mr. Sumit Sinha, Adv.

For Respondent(s) Mr. Shrish Kumar Misra, Adv.
Mr. Suryanath Pandey, Adv.

Mr. Lalit Bhasin, Adv.
Ms. Nina Gupta, Adv.
Mr. Mudit Sharma, Adv.
Ms. Swati Sharma, Adv.

Mr. K. Radhakrishnan, Sr. Adv.
Mr. C.B. Prasad, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. B. Krishna Prasad, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No. 1-application for discharge of Respondent No.2 is rejected and stands disposed of.

I.A. No.2- application for Modification of order dated 04.10.2013 on behalf of Respondent No.3 is rejected and stands disposed of.

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The learned counsel for the petitioners submitted that Respondent No.3 has not made payment in terms of undertaking given on 4th October, 2013. According to Respondent No.3 insurer United India Insurance Company Ltd. is liable to make payment. Therefore, I.A. 3 of 2014 - application for impleadment of M/s. United India Insurance Co. Ltd. has been filed.

On the facts and circumstances of the case, we allow the application for impleadment and the United India Insurance Co. Ltd. be impleaded as Respondent No.4 and direct the Respondent No.3 to make payment to the petitioners in terms of earlier undertaking and if the amount is payable from the Insurance Company they may recover the amount from the said company. Amount should be paid within six weeks.

I.A. No.4/2014 - Application for amendment of Writ Petition has been preferred by the petitioners. Having heard the learned counsel for the parties, we allow the prayer for amendment of writ petition. Accordingly I.A. 4/2014 stands disposed of Amended writ petition be filed within two weeks. Counter Affidavit be filed within

four weeks thereafter.

In the meantime, let notice be issued on newly impleaded
Respondent No.4.

Dasti, in addition, is permitted.

[RAJNI MUKHI]
SR. P.A.

[USHA SHARMA]
COURT MASTER