

ITEM NO.501

COURT NO.1

SECTION XV

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Civil Appeal No(s).841/2018

M/S. BAJAJ ALLIANCE GENERAL INSURANCE CO.LTD.

Appellant(s)

VERSUS

RAMBHA DEVI &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 10918/2018 (XV)

SLP(C) No. 9604/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.44779/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 9613/2018 (IV-A)

Diary No(s). 24834/2018 (IV-C)

(FOR ADMISSION and I.R. and IA No.109091/2018-CONDONATION OF DELAY IN FILING and IA No.109092/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 25256/2018 (XV)

(FOR ADMISSION and I.R. and IA No.134006/2018-CONDONATION OF DELAY IN FILING and IA No.134009/2018-EXEMPTION FROM FILING O.T. and IA No.134008/2018-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 24671/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.117330/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 32753/2018 (IV-B)

(WITH IA No. 162746/2018 - CONDONATION OF DELAY IN FILING, IA No. 162751/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 32756/2018 (IV-B)

(WITH IA No. 157609/2018 - CONDONATION OF DELAY IN FILING, IA No. 157611/2018 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 157613/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 37055/2018 (IV-B)

(WITH IA No. 156105/2018 - CONDONATION OF DELAY IN FILING)

Diary No(s). 39059/2018 (IV-B)

(WITH IA No. 155184/2018 - CONDONATION OF DELAY IN FILING)

SLP(C) No. 426/2019 (IV-B)

SLP(C) No. 505-506/2019 (XV)

SLP(C) No. 17506/2018 (IV-A)

(WITH IA No.49692/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 23638/2018 (IV-C)

(WITH IA No. 95171/2018 - CONDONATION OF DELAY IN FILING, IA No. 95172/2018 - EXEMPTION FROM FILING O.T.)

Diary No(s). 24137/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.109284/2018-CONDONATION OF DELAY IN FILING and IA No.109286/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 24530/2018 (XV)

(FOR ADMISSION and I.R. and IA No.100935/2018-CONDONATION OF DELAY IN FILING and IA No.100934/2018-EXEMPTION FROM FILING O.T.)

Diary No(s). 24534/2018 (XV)

(WITH IA No. 107670/2018 - CONDONATION OF DELAY IN FILING, IA No. 107674/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 5958/2019 (XV)

SLP(C) No. 8918-8919/2019 (IV-A)

(FOR ADMISSION and I.R.)

SLP(C) No. 11503-11504/2019 (IV-A)

(FOR ADMISSION and I.R.)

SLP(C) No. 8277/2020 (XIV)

SLP(C) No. 8123-8124/2022 (IV-A)

(FOR ADMISSION and I.R. and IA No.65087/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65085/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 14645-14646/2017 (IV-A)

SLP(C) No. 35472-35473/2017 (XVII-A)

(WITH IA No. 130122/2017 - CONDONATION OF DELAY IN FILING, IA No. 130111/2017 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 130113/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 130114/2017 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 6055/2018 (IV-A)

(WITH IA No.24588/2018-EXEMPTION FROM FILING O.T.)

SLP(C) No. 18849/2019 (IV-A)

(WITH IA No. 2041/2022 - PERMISSION FOR WITHDRAWAL OF AMOUNT)

SLP(C) No. 20449/2019 (IV-A)

(FOR ADMISSION and I.R. and IA No.118586/2019-CONDONATION OF DELAY IN FILING)

SLP(C) No. 21547/2019 (XIV)

(WITH IA No.128215/2019-CONDONATION OF DELAY IN FILING and IA No.128218/2019-ADDITION / DELETION / MODIFICATION PARTIES)

SLP(C) No. 23017-23018/2019 (IV-B)

C.A. No. 8001-8002/2019 (IV)

(FOR ADMISSION and I.R.)

SLP(C) No. 766/2020 (XV)

(WITH IA No. 186784/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 24545/2019 (IV-B)

SLP(C) No. 30601/2019 (XIV)

(FOR ADMISSION and I.R.)

SLP(C) No. 696/2021 (XIV)

C.A. No. 1477/2018 (IV-A)

C.A. No. 842/2018 (XII-A)

(WITH IA No. 103173/2019 - WITHDRAWAL OF CASE / APPLICATION)

C.A. No. 1479/2018 (IV-A)

C.A. No. 483/2018 (IV-A)

C.A. No. 1506/2018 (IV-A)

C.A. No. 1478/2018 (IV-A)

Diary No(s). 40406/2017 (IV-A)

(FOR ADMISSION and I.R. and IA No.10034/2018-CONDONATION OF DELAY IN FILING and IA No.10039/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10036/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 1476/2018 (IV-A)

Diary No(s). 41949/2017 (IV-A)

(FOR ADMISSION and I.R. and IA No.2817/2018-CONDONATION OF DELAY IN FILING)

SLP(C) No. 2684-2685/2018 (XI-A)

SLP(C) No. 597/2018 (IV-C)

(WITH IA No. 3888/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 524/2018 (IV-C)

(WITH IA No. 3532/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

JUDGMENT, IA No. 3528/2018 - EXEMPTION FROM FILING O.T.)

Diary No(s). 2524/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.74496/2018-CONDONATION OF DELAY  
IN FILING and IA No.74497/2018-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 19242-19244/2018 (IV-C)

Diary No(s). 23636/2018 (IV-C)  
(WITH IA No. 93154/2018 - CONDONATION OF DELAY IN FILING, IA No.  
93155/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 28906/2018 (IV-A)  
(FOR ADMISSION and I.R.)

SLP(C) No. 13315/2019 (IV-A)  
(FOR ADMISSION and I.R.)

SLP(C) No. 14523-14524/2019 (XIV)  
(FOR ADMISSION and I.R.)

Diary No(s). 37270/2017 (XII)  
(WITH IA No.10168/2018-CONDONATION OF DELAY IN FILING and IA  
No.10171/2018-CONDONATION OF DELAY IN REFILING)

C.A. No. 1475/2018 (IV-A)

SLP(C) No. 5065/2018 (IV-A)

SLP(C) No. 10459/2018 (XV)

SLP(C) No. 9908/2018 (X)

SLP(C) No. 6668/2018 (XV)

Diary No(s). 4869/2018 (IV-C)  
(FOR ADMISSION and I.R. and IA No.51454/2018-CONDONATION OF DELAY  
IN FILING and IA No.51457/2018-EXEMPTION FROM FILING O.T. and IA  
No.51455/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 6119/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.37735/2018-CONDONATION OF DELAY  
IN FILING[TO BE LISTED ALONGWITH C.A.NO.841/2018])

Diary No(s). 6264/2018 (XIV)  
(FOR ADMISSION and I.R. and IA No.52062/2018-CONDONATION OF DELAY  
IN FILING and IA No.52064/2018-CONDONATION OF DELAY IN REFILING)

SLP(C) No. 8816/2018 (IV-A)  
(FOR ADMISSION and I.R.)

SLP(C) No. 9607/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45086/2018-CONDONATION OF DELAY

IN FILING and IA No.45089/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9610/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45080/2018-CONDONATION OF DELAY IN FILING and IA No.45083/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9612/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45273/2018-CONDONATION OF DELAY IN FILING and IA No.45275/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9606/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45601/2018-CONDONATION OF DELAY IN FILING and IA No.45603/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9609/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45282/2018-CONDONATION OF DELAY IN FILING and IA No.45283/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 9963/2018 (XV)  
(FOR ADMISSION and I.R. and IA No.58464/2018-CONDONATION OF DELAY IN FILING and IA No.58466/2018-EXEMPTION FROM FILING O.T. and IA No.58465/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 9970/2018 (XV)  
(FOR ADMISSION and I.R. and IA No.70678/2018-CONDONATION OF DELAY IN FILING and IA No.70679/2018-CONDONATION OF DELAY IN REFILING)

Diary No(s). 990/2018 (IV-C)  
(WITH IA No. 21136/2018 - CONDONATION OF DELAY IN FILING, IA No. 21139/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 5193/2018 (IV-A)  
(FOR ADMISSION and I.R.)

SLP(C) No. 5188/2018 (IV-A)  
(FOR ADMISSION and I.R.)

SLP(C) No. 9611/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45036/2018-CONDONATION OF DELAY IN FILING and IA No.45039/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9608/2018 (IV-A)  
(FOR ADMISSION and I.R. and IA No.45021/2018-CONDONATION OF DELAY IN FILING and IA No.45024/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 9605/2018 (IV-A)

(FOR ADMISSION and I.R. and IA No.45320/2018-CONDONATION OF DELAY IN FILING and IA No.45322/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
 HON'BLE MR. JUSTICE HRISHIKESH ROY  
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
 HON'BLE MR. JUSTICE PANKAJ MITHAL  
 HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s)

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 Mr. Pradeep Gaur, Adv.  
 Mr. K.R. Karthik, Adv.  
 Mr. Amit Gaur, Adv.  
 Ms. Sweta Sinha, Adv.

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

- 1 In the course of the hearing of the reference to the Constitution Bench, we have heard Mr Siddhartha Dave, Mr Jayant Bhushan, Mr Neeraj Kishan Kaul, senior counsel, Mr Tushar Mehta, Solicitor General, assisted by Ms Archana Pathak Dave, and Mr Amit Kumar Singh, counsel, on behalf of the insurance companies. Mr P B Suresh, counsel, has appeared as supporting intervenor.
  - 2 On the other hand, arguments have been addressed by Mr Devvrat, Mr Kaustubh Shukla and Mr Anuj Bhandari, counsel, who have taken a contrary position. Ms Anitha Shenoy, senior counsel, would be adopting the same position.
  - 3 During the course of the hearing, one of the principal submissions of the respondents has been that the judgment of the three-Judge Bench of this Court in **Mukund Dewangan v Oriental Insurance Company Limited**<sup>1</sup> was accepted by the Union government by issuing notifications dated 16 April 2018
- 1 (2017) 14 SCC 663

and 31 March 2021 in the Ministry of Road Transport and Highways, as a result of which the Rules were amended to bring them in conformity with the judgment of this Court.

- 4 We are of the considered view that having regard to the above background, the position of the Union government in the Ministry of Road Transport and Highways would be necessary. We request the Attorney General for India to assist the Court in the matter.
- 5 List the proceedings for hearing on 13 September 2023 as a part-heard case on the top of the Board.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**