

National Insurance Co. Ltd. and Another

Vs

K. M. Shah

Transfer Petition No. 140 of 1981

(D.A. Desai, R.B. Misra JJ)

17.08.1981

JUDGMENT

1. This is a petition for transfer of Letters Patent Appeal No. 147 of 1979 pending in the High Court of Gujarat at Ahmedabad on the ground that the question that goes to the root of the matter and raised in the appeal also arises in T.P. No. 153 of 1981 (Writ Appeal No. 1 of 1979) between National Insurance Co. Ltd. v. Padma S. Menon which stood transferred to this Court under the orders of this Court dated August 10, 1981 under Article 139-A of the Constitution.
2. As the matter which has been transferred to this Court and is pending in this Court involves a question which would directly and substantially arise in Letters Patent Appeal pending before the High Court of Gujarat, in order to avoid a conflict of decisions it is but meet that Letters Patent Appeal No. 147 of 1979 be withdrawn from the file of High Court of Gujarat at Ahmedabad and stand transferred to this Court, to be heard along with Transfer Petition No. 153 of 1981 transferring Writ Appeal No. 1 of 1979 of the Kerala High Court.
3. The transfer is granted on the condition that the appellant shall deposit Rs. 2000 in this Court within four weeks from today and the same shall be withdrawn immediately thereafter by the learned Advocate-on-Record for the respondent for the costs of the respondent. Whatever be the final decision in the matter the respondent will not be liable to refund the same nor would the appellant be entitled to recover costs from the respondent in the event of its being entitled to costs.
4. Liberty to respondent to take out a notice of motion for seeking interim relief which was discussed and cannot be finalised here.

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