

ITEM NO.21

COURT NO.12

SECTION III-B

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 48041/2026

[Arising out of impugned final judgment and order dated 24-04-2026 in FAO No. 593/2016 passed by the High Court of Himachal Pradesh at Shimla]

NIKKI DEVI & ORS.

Petitioner(s)

VERSUS

SHRIRAM GENERAL INSURANCE COMPANY LIMITED & ORS. Respondent(s)

IA No. 248215/2026 - CONDONATION OF DELAY IN FILING

Date : 02-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) :

Mr. Rajesh Srivastava, AOR
Mr. Rahul Kumar, Adv.
Mr. Anil Kumar Gaur, Adv.
Mrs. Deepika Singh, Adv.
Ms. Riddhi Gupta, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Issue notice limited to the extent of examining the issue as to whether this Court can exercise powers under Article 142 of the Constitution of India to direct the *insurer* to pay and recover, as the insurer is not liable to pay the liability or otherwise, in the case of a gratuitous passenger.

3. In the matters of National Insurance Company Limited vs. Baljit Kaur & others, reported in (2004) 2 SCC 1, National Insurance Company vs. Saju P.Paul & another, reported in (2013) 2 SCC 41 and Manuara Khatun & others vs. Rajesh Kumar Singh & others, reported in (2017) 4 SCC 796 and 2025 INSC 867, 2025 SCC Online SC 2297 and (2009) 8 SCC 785, this Court has exercised powers under Article 142 of the Constitution of India, however, in the case of National Insurance Company Ltd. vs. Parvathneni, (2018) 9 SCC 657, the issue as to whether this Court can invoke powers under Article 142 of the Constitution of India in a case relating to a gratuitous passenger, has been kept open.

4. Issue notice, returnable on 02.11.2026.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)