New Indian Assurance Company Ltd. Vs. Manju Bala & Others

FAO No. 122/2019

25.08.2022 Present: Mr. Raman Sethi, Advocate, for the appellant.

Mr. Ashok K. Tyagi, Advocate, for respondents No. 1 to 2.

Mr. Vijay Thakur, Advocate, vice counsel for respondent No. 3.

CMPs No. 7121 & 7300/2022

The present applications have been maintained by applicants/respondents No. 1 and 2 for release of the award amount. As per the applicants, they are in dire need of money to meet out their day to day expenses and they also need money for construction of house and to repay the loan, as only source of their income is agriculture. The applications are duly supported with the affidavits of the applicants. Neither reply to the application has been filed nor intended to be filed. However, learned counsel for the Insurance Company states that in case the amount is released to the applicants, it will be difficult for the Insurance Company to recover the same, in case ultimately Insurance Company succeeds in appeal.

Heard. Taking into consideration the necessity of the applicant and their dependency upon the deceased, this Court deems it appropriate and in the interest of justice to order for release of 20% of the award amount alongwith proportionate interest in favour of applicants No. 1 and 2 as per their respective shares, through their individual savings bank accounts of nationalized banks. Ordered accordingly.

However, it is made clear that in case the Insurance Company succeeds in this appeal and liability is fastened upon any other party, then the amount will be paid by that party and in case the claimants are not held entitled for the award amount, they will return the released amount to the Insurance Company.

The applications are disposed of.

(Chander Bhusan Barowalia)
Judge

25th August, 2022
(raman)