

16.7.2021

Present: Mr. Virender Sharma, Advocate, for the appellant.

Mr. Surender K. Sharma, Advocate, for respondents No.1 and 2.

Ms. Anita Parmar, Advocate, for respondent No.3.

Mr. Virender Thakur, Advocate for the applicant.

Through video-conferencing

CMP No.3476 of 2021

By way of instant application, prayer has been made on behalf of applicant/respondent No.1 for release of the award amount lying deposited in the Registry of this Court.

Reply to the application stands filed on behalf of the non-applicant/appellant, perusal whereof reveals that the non-applicant/appellant/Insurance Company has primarily laid challenge to the impugned award on the ground that applicant/respondent No.1 and non-applicant/respondent No.2 purposely and intentionally have not arrayed mother of deceased Sachin, who unfortunately expired in the accident on account of which, applicant/respondent No.1 and non-applicant/respondent No.2 filed claim petition before the Motor Accident Claims Tribunal, Chamba, District Chamba, H.P., and were awarded compensation to the tune of Rs. 15, 54, 440/- alongwith interest at the rate of 7.5% per annum from the date of filing of the petition till its realization. Non-applicant/appellant has categorically stated that since issue with regard to entitlement of mother of the deceased qua the share in award amount is yet to be decided, it may not be proper

at this stage to release the amount, if any, in favour of applicant/respondent No.1, whose share otherwise in the event of amount being awarded in favour of mother of deceased would be reduced.

Having heard learned counsel representing the parties and perused the averments contained in the application, this Court finds merit in the reply filed by non-applicant/appellant. Faced with aforesaid situation, learned counsel representing applicant/respondent No.1 fairly states that he does not press this application at this stage with liberty to file afresh at appropriate stage.

Accordingly, in view of the above, the present application is disposed of as not pressed with liberty, as prayed for. The application stands disposed of.

FAO No.81 of 2020

Mr. Virender Thakur, Advocate states that he has filed one application under Order 1 Rule 10 CPC, seeking therein impleadment, but the same is not on record. Registry to trace and place the same on record, if in order.

List on **27.07.2021**.

Registry to reflect the name of Mr. Virender Thakur, Advocate in the cause list, henceforth.

**(Sandeep Sharma),
Judge**

July 16,2021
(Shankar)