

Shri Ram General Insurance v. Sukh Ram

FAO NO. 171 of 2020

15.06.2022 Present: Mr. Virender Sharma, Advocate, for the appellant.

Mr. Ajay Chandel, Advocate, for respondents No. 1 and 2.

Ms. Punam Moghta, Adocate, for respondents No.3 and 4.

CMP No. 6383 of 2022

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of the applicants No.1 & 2 for release of the award amount lying deposited in the Registry of this court. Reply to the application stands filed by the non-applicant/appellant, wherein it has been stated that in the event of appeal being allowed, it would be difficult to recover the amount, however, having heard learned counsel for the applicants/respondents and perused record, this Court finds that sum of Rs. 9,27,000/- alongwith interest @9%pa, came to be awarded in favour of the claimants on account of death of their son. Since above named applicants were solely dependent upon the earning of their deceased son, they are finding it difficult to meet their day-to-day expenses and as such, have approached this Court in the instant application for release of the award amount. Since considerable time is likely to be consumed by this Court in the final adjudication of the case, this Court deems it fit to award 50% of the award amount in favour of the applicants.

Consequently, in view of the above, the application is allowed and Registry is directed to release 50% of the award

amount in favour of the applicants, by remitting the same in their saving bank accounts strictly as per their shares, detail whereof is mentioned in the annexures annexed with the application, subject to verification by the Accounts Branch. Needless to say, remaining amount shall be kept in FDRs. Needless to say, in the event of appeal being allowed, applicants/respondents would be liable to refund the aforesaid amount. Application stands disposed of.

15th June, 2022
Manjit

**(Sandeep Sharma),
Judge**