

**Oriental Insurance Company Limited v. Madhu****FAO No. 36 of 2015**

11.1.2023

Present Mr. G.C. Gupta, Senior Advocate with Ms. Meera, Advocate, for the appellant.

Mr. Rajesh Kashyap, Advocate, for respondents Nos. 1 to 3.

Mr. Anubhav Chopra, Advocate, for respondent No.4.

CMP No. 433 of 2023

By way of instant application, filed under Order 32, rule 12 read with S.151 CPC, prayer has been made on behalf of respondent No.3, for permitting him to pursue the case in his independent capacity, as he has attained the age of majority. No reply is intended to be filed by the learned counsel for the non-applicant/appellant. Averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, clearly reveal that the respondent No.3 Dnesh Kumar has attained the age of majority, as such, he is entitled to prosecute the case in his independent capacity.

In view of above, present application is allowed and natural guardian of respondent No.3 i.e. respondent No.1 is discharged and respondent No.3 is permitted to prosecute the lis in his independent capacity. Application stands disposed of.

CMP No. 489 of 2023

By way of instant application, prayer has been made on behalf of respondent No.3 for release of the amount lying deposited in the Registry of this Court.

No reply is intended to be filed by the non-applicant/appellant.



2026:HHC:19999

Learned counsel for the appellant states that the prayer made in the instant application can be allowed and some reasonable amount can be ordered to be released in favour of the respondent No.3.

Having perused averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, this court finds that a sum of Rs.3,32,055/- came to be awarded in favour of the respondents on account of death of deceased Pawan Kumar, father of respondent No.3, since aforesaid deceased was sole bread earner of the family including respondent No.3, he is finding it difficult to meet his day to day expenses, as such, has approached this Court in the instant application for release of amount.

For the reasons stated in the application, the same is allowed. 50% of award amount lying deposited with the Registry is ordered to be released in favour of the respondent No. 3 by remitting the same to his savings bank account, details of which are given in para-4 of the application, subject to verification by the Accounts Branch. Needless to say, remaining amount shall be invested in FDR's till further orders. Application stands disposed of.

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Since parties are duly represented, list for hearing in **April, 2023**, as jointly agreed *inter se* parties.

**(Sandeep Sharma)
Judge**

January 11, 2023
(vikrant)