

New India Assurance Co. Ltd. vs. Kamla Devi & Ors.

FAO No.299 of 2024 a/w Cross Objection No.74 of 2024

FAO No.299 of 2024

28.11.2025

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

Mr. Surinder Saklani, Advocate, for respondent No.1.

Mr. Anuj Gupta, Advocate, for respondents No.3(a) & 3(b).

Respondents No.2, 3(c) & 3(d), already *exparte*.

Cross Objection No.74 of 2024

Mr. Ishan Sharma, Advocate, for the appellant.

Mr. Surinder Saklani, Advocate, for respondent No.1.

Respondent No.2, 3(c) & 3(d), already *ex parte*.

Mr. Anuj Gupta, Advocate, for Cross-objectors/respondents No.3(a) & 3(b).

FAO No.299/2024 & Cross Objection No.74/2024

Admit.

Post Admission Notice.

Mr. Surinder Saklani and Mr. Anuj Gupta, Advocates, appear and accept service of notice on behalf of respondent No.1 and respondents/cross objectors No.3(a) & 3(b), respectively.

Separate notices be issued to the respondents, No.2, 3(c) & 3(d), returnable for 02.01.2026, on taking steps within a period of three days.

CMP No.26106/2024 in C.O. No.74/2024

No reply is intended to be filed on behalf of the non-applicant/appellant.

List the present application along with main appeal as well as cross-objection.

CMP No.26226 of 2025 in FAO No.299 of 2024

The instant application has been filed on behalf of applicant/respondent No.1, Kamla Devi, for release of 50% of awarded amount in her favour, as lying deposited in the Registry of this Court.

As per the applicant, she is in dire need of money and has no source of income; and as the main appeal is pending adjudication before this Court, which may take some time for its disposal, her prayer for release of amount of compensation, as lying deposited in the Registry of this Court, may be accepted and the amount, as prayed for, may be ordered to be released in her favour.

No reply is intended to be filed on behalf of the non-applicant/appellant, but has opposed the application on the ground that if the amount, as prayed, is released in favour of the applicant/respondent No. 1, Kamla Devi, it would be difficult for it to recover the same in the event of appeal being allowed, which would result into the multiplicity of litigation between the

parties. Hence, prayer for dismissal of the application has been made.

Heard. Having perused the averments made in the application, which are duly supported with the affidavit of applicant/respondent No.1, Kamla Devi and also in view of the fact that the appeal may take sufficiently long time for its final adjudication, this Court finds it in the interest of justice to release a sum of Rs. 5,00,000/-of the awarded amount of compensation in favour of applicant/respondent No.1, Kamla Devi alongwith up-to-date interest, after proper verification and identification by remitting the same to her saving bank account, detail whereof has been given in Para-2 of the application.

However, the release of amount will be subject to the final outcome of the appeal and in the event of appeal being allowed, applicant/respondent No.1, Kamla Devi, will have to refund the amount, so released, with interest.

Application stands disposed of.

(Sushil Kukreja)
Judge

November 28, 2025
(reena)