

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

MA No. 357/2012

IA No. 720/2012

New India Assurance Co. Ltd.

.....Appellant(s)/Petitioner(s)

Through: Mr. Rupinder Singh, Advocate

Vs

Subash Kumar and Ors.

..... Respondent(s)

Through: Mr. Hamzah Hussaini, Advocate vice
Mr. Sachin Gupta, Advocate

^r
Coram: HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE

ORDER
05.10.2021

Learned counsel for the appellant states that the awarded amount could not have been awarded in favour of the claimants, in view of the fact that the driver of the vehicle was a minor, therefore, no liability could be fastened on the Company. Assuming if it was the case, then still the pay and recover principle could apply in the facts and circumstances of the case.

Considering the nature of the case, it is deemed appropriate to direct release of the awarded amount in favour of the claimants/respondents after proper identification and verification, which shall be subject to the outcome of the instant proceedings.

List again on 09.12.2021.

Meanwhile, steps be taken for service of the unserved respondents.

(Dhiraj Singh Thakur)
Judge

Jammu
05.10.2021
Muneesh