

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 1754/2019

National Insurance Company Ltd

----Appellant

Versus

Smt Phoolpati Devi W/o Late Gorakh Singh

----Respondent

Connected With

S.B. Civil Miscellaneous Appeal No. 3569/2019

Smt. Phoolpati Devi W/o Late Shri Gorakh Singh

----Appellant

Versus

Ramkishan Yadav S/o Kishori Lal Yadav

----Respondent

For Appellant(s) : Mr. Lokesh Parihar

For Respondent(s) : Mr. Ram Sharan Sharma

HON'BLE MR. JUSTICE GOVERDHAN BARDHAR

Order

20/07/2021

(IA No. 1/2020 in S.B. Civil Miscellaneous Appeal No. 1754/2019)

Matter has come up for orders on an application (IA No. 1/2020) filed by the applicant under Section 151 CPC for vacation of the ex-parte stay order dated 26.04.2019.

For the reasons stated in the aforesaid application, interim order dated 26.04.2019 is modified to the extent that the Tribunal shall disburse the 50% amount of the total amount of compensation deposited by the Insurance Company to the claimant on furnishing an undertaking on oath to the effect that if the appellant ultimately succeeds in the appeal, the said amount shall be refunded by the claimant with interest @ 6% per annum.

The remaining 50% of the amount be invested in the FDR in a Nationalised Bank for a period of one year which shall be renewed from time to time.

Application accordingly disposed of.

(In S.B. Civil Miscellaneous Appeal No. 3569/2019)

Issue notice.

Mr. Lokesh Parihar, Advocate accepts notice on behalf of respondent No.3- Insurance Company.

(GOVERDHAN BARDHAR),J

Ritu/36-37



सत्यमेव जयते