

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

S.B. Civil Miscellaneous Appeal No. 3175/2017

United India Insurance Company Limited, 20, Mohan House,
Transport Nagar, Jaipur Having Its T.p. Claims Office At T.p.
Claims Hub, 93, Sapphire Centre, Opp. Esi Hospital, Ajmer Road,
Jaipur Through Its Constituted Attorney

----Appellant

Versus

1. Sumitra Devi W/o Late Sh. Ratan Lal, House No. 14, Sabji Mandi Road, Ward No. 14, Phulera, Dist. Jaipur
2. Kumari Khushi D/o Late Sh. Ratan Lal, Minor Through Natural Guardian And Mother Smt. Sumitra Devi, House No. 14, Sabji Mandi Road, Ward No. 14, Phulera, Dist. Jaipur
3. Kumari Divya D/o Late Sh. Ratan Lal, Minor Through Natural Guardian And Mother Smt. Sumitra Devi, House No. 14, Sabji Mandi Road, Ward No. 14, Phulera, Dist. Jaipur
4. Manav S/o Late Sh. Ratan Lal, Minor Through Natural Guardian And Mother Smt. Sumitra Devi, House No. 14, Sabji Mandi Road, Ward No. 14, Phulera, Dist. Jaipur
5. Bablu Mehra S/o Late Sh. Bhawarlal Mehra, 334, Aamagarh, Vaidhpuri Parvat Colony, Ward No. 42, Transport Nagar, Jaipur
6. Ramjilal Mourya S/o Late Sh. Moolchand Mourya, House Number 123, Ramnagar Colony, Balaji Mod, Goner Road, Jaipur
7. Babulal S/o Late Sh. Moolchand Mourya, House Number 123, Ramnagar Colony, Balaji Mod, Goner Road, Jaipur
8. Malchand Rajora S/o Late Sh. Gangaram, House Number 14, Sabji Mandi Road, Ward No. 14, Phulera, Dist. Jaipur

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 4143/2017

1. Smt Sumitra Devi W/o Late Ratan Lal, R/o H.no. 14, Subzi Mandi Road, Ward No.14, Phulera, District Jaipur Raj.

2. Kumari Khushi D/o Late Ratan Lal, R/o H.no. 14, Subzi Mandi Road, Ward No.14, Phulera, District Jaipur Raj. Minor Through Their Natural Mothr Smt Sumitra Devi W/o Late Ratan Lal,
3. Kumari Divya D/o Late Ratan Lal, R/o H.no. 14, Subzi Mandi Road, Ward No.14, Phulera, District Jaipur Raj. Minor Through Their Natural Mothr Smt Sumitra Devi W/o Late Ratan Lal,
4. Manav S/o Late Ratan Lal, R/o H.no. 14, Subzi Mandi Road, Ward No.14, Phulera, District Jaipur Raj. Minor Through Their Natural Mothr Smt Sumitra Devi W/o Late Ratan Lal,

-----Appellants

Versus

1. Bablu Mehra S/o Late Bhabwar Lal Mehra, R/o 334, Aamaa Garh, Vaidhpuri Parvat Colony, Ward Number 42, Transport Nagar, Jaipur.
2. Ramji Lal Morya S/o Late Shri Moolchand Morya, R/o H.no. 123, Ramnagar Colony, Balaji Mod, Goner Road, Jaipur Rajasthan.
3. Babulal S/o Late Shri Moolchand, R/o H.no. 123, Ramnagr, Colony Balaji Mod, Goner Road, Jaipur Rajasthan.
4. The United India Insurance Company Ltd. 20, Mohan House, Transport Nagar, Jaipur Rajasthan.
5. Maalchand Rajora S/o Late Gangaraam, R/o H.no. 14, Subzi Mandi Road, Ward No.14, Fulera, District Jaipur Raj.

-----Respondents

For Appellant(s)	: Mr.Lokesh Parihar, Adv.
For Respondent(s)	: Mr.Kaleem Ahmed Khan, Adv. with Mr.Gitesh Joshi, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

14/02/2022

The matter comes up on the misc. Application No.1/2020 dated 27.01.2020 filed on behalf of the respondent-claimant No.1 for modification of interim order dated 01.11.2017.

Learned counsel for the claimant-respondent submitted that this Court on 01.11.2017 had passed conditional interim order directing the Insurance Company to deposit the award amount along-with interest within a period of 4 weeks and upon fulfilling the said condition, the execution proceedings were to remain stayed.

Learned counsel appearing for the claimant submitted that in the award dated 23.03.2017, the claimant No.1 was allowed to withdraw a sum of Rs.1,28,574/- in her Savings Bank Account and the remaining Rs.1 Lakh (Total Rs.5 Lakh) amount was to be kept in FDR for a term of one, two, three, four & five years respectively.

Learned counsel submitted that now amount of Rs.4 Lakh in FDR has matured and the same may be released from Fixed Deposit.

Learned counsel submitted that the claimant has to maintain herself and take care of her children and as such, this Court may modify the order dated 01.11.2017 and suitable direction may be given to release the amount of Rs.4 lakh along-with interest, kept in FDRs from the year 2017 onwards.

Learned counsel submitted that though prayer in the misc. application has been made to release only Rs.2 Lakh, the amount which had become matured on 24.08.2020, however, during pendency of the said application, now more than two FDRs have become matured and as such, counsel submits that the

entire amount of Rs.4 Lakh, kept in different FDRs, may be released by this Court.

Learned counsel for the appellant has opposed the said prayer and submitted that the Court after considering the entire facts of the case, in favour of the appellant-Insurance Company has passed the interim order and as such, there is no need to vacate or modify the interim order.

I have heard learned counsel for the parties.

This Court, considering that the claimant No.1 is the mother of minor children and has to maintain herself, deems it proper to modify the order dated 01.11.2017 and directs the MACT concerned that amount of Rs.1 Lakh which was kept in FDR for one year, Rs.1 Lakh for two years, Rs.1 Lakh for three years and Rs.1 Lakh for four years, may be released in Savings Bank Account of the respondent No.1 along-with interest, after taking an undertaking that the amount so paid will be subject to final outcome of the appeal and in case, the appeal of the Appellant-Insurance Company is allowed, the claimant would be required to refund the money back.

Accordingly, the application stands disposed of.

S.B. CMA No.4143/2017:-

Registry is directed to reflect the name of Mr.Lokesh Parihar, Adv. in the cause list.

(ASHOK KUMAR GAUR), J