

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

S.B. Civil Miscellaneous Appeal No. 3345/2018

Cholamandalam MS General Insurance Co Ltd.

----Non-claimant/Appellant

Versus

Rashmi Sharma W/o Late Darpan Sharma & Ors.

----Respondents

For Appellant(s)	:	Mr. Virendra Agarwal, Advocate Mr. Prakhar Agarwal, Advocate
For Respondent(s)	:	Mr. Vipin Sharma, Advocate

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

12/12/2022

The matter comes up on an application (1/2021) filed by the respondents/claimants seeking disbursement of the award amount deposited by the appellant- Insurance Company in terms of interim order of this Court dated 05.10.2018.

Learned counsel for the respondents/claimants submits that learned Tribunal has awarded compensation in their favour vide its award dated 02.04.2018 appreciating the evidence on record. He submits that on account of interim order of this Court dated 05.10.2018, they are not able to get a single paisa towards the compensation awarded to them which is causing great hardship to them as the only bread earner in the family has expired on account of accident in the year 2013. He, therefore, prays that the application be allowed and the entire award amount deposited by the Insurance Company be released in their favour.

Per contra, learned counsel for the appellant- Insurance Company opposing the prayer, would submit that there was no

involvement of the insured vehicle in the accident and hence, the respondents/claimants are not entitled for disbursement of the amount.

Heard. Considered.

In view of the award dated 02.04.2018 passed by learned MACT, Sikar in favour of the respondents/claimants, this Court deems it just and proper to partly allow the application filed by them. The learned Tribunal is directed to release 50 per cent of the amount deposited by the appellant- Insurance Company with it in terms of interim order of this Court datd 05.10.2018 in favour of the respondents/claimants within a period of two weeks from the date of communication of this order on their furnishing an undertaking that in case the appeal succeeds, they would refund the amount so received with 7 % interest per annum.

Record of the learned trial Court be sent back for disbursement of the amount with a direction to remit it back to this Court after the needful is done.

(MAHENDAR KUMAR GOYAL),J