

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2004/2022

United India Insurance Company Ltd.,

----Appellant

Versus

Nahar Singh Saini S/o Ramjilal

-----Respondent

For Appellant(s) : Mr. Lokesh Parihar

For Respondent(s) : Mr. Kapil Sharma

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

02/06/2023

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Matter comes up on an application (I.A. No.1/2023) u/s 151 CPC for vacation of stay order and disbursement of the compensation amount.

Learned counsel for the respondents-claimants submits that this court vide order dt. 25.8.2022 while issuing notices to the respondents, stayed operation/execution of the impugned judgment and award dt.25.8.2022 passed by the Motor Accident Claims Tribunal, Tonk on the condition of deposition of entire award amount with the tribunal as per the judgment and award dt. 5.5.2022. He further submits that pursuant to the order dt. 25.8.2022 the appellant has deposited the aforesaid amount but the said amount has not been disbursed to the respondents-claimants, due to which they are facing great financial hardship and have been deprived from the fruits of the award amount. He has prayed to disburse the award amount in favour of the claimants-respondents.

On the other hand, learned counsel for the Insurance Company has opposed the same.

Taking into consideration the facts and circumstances of the case, it is directed that out of the award amount so deposited by the Insurance Company, 50% amount be released in favour of the respondents-claimants on their furnishing an undertaking on oath to the effect that if the appellant ultimately succeeds in the appeal, the said amount shall be refunded by them alongwith interest @ 7.5% per annum from the date of withdrawal till refund. The remaining 50% of the award amount be invested in FDR of a Nationalised Bank initially for a period of one year which shall be renewed from time to time.

The order dt.25.8.2022 stands modified and the application stands disposed of accordingly.

Tribunal is directed to send the record to this court after disbursement of the amount.

List alongwith CMA No.2402/2022 & 2027/2022.

(NARENDRA SINGH DHADDHA),J