

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

S.B. Civil Miscellaneous Appeal No. 6001/2017

Shri Ram General Insurance Co Ltd

----Appellant

Versus

Vishnu Lodha And Ors

----Respondent

For Appellant(s)	:	Ms. Manju Jain, Advocate
For Respondent(s)	:	Mr. Pradeep Mathur, Advocate

HON'BLE MR. JUSTICE PRAKASH GUPTA

Order

07/03/2022

Matter comes up on an application (No.01/2019) for vacating ex-parte order dated 24.11.2017.

Learned counsel for the respondent-applicant (for short 'the applicant') submits that the Co-ordinate Bench of this court vide its order dated 24.11.2017 while issuing notice to the respondents directed the appellant to deposit the complete award amount alongwith the interest before the Employee's Compensation Commissioner and further directed to invest the said amount in FDR. He further submits that the order dated 24.11.2017 is an ex-parte order and till date not a single penny has received by the claimant. Hence, the order dated 24.11.2017 may be vacated or in the alternate be modified.

Learned counsel for the appellant/non-applicant opposes the same.

Heard. Considered.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the facts and

circumstances of the case, the order dated 24.11.2017 passed by the Co-ordinate Bench of this Court is modified to the extent that the Tribunal shall disburse 50% of the deposited amount to the claimant on his furnishing a solvent security and an undertaking on oath to the effect that if the appellant ultimately succeeds in the appeal, the said amount shall be refunded with interest @ 6% per annum from the date of withdrawal till refund. Remaining terms and conditions of the order dated 24.11.2017 shall remain unchanged.

The application (No. 1/2019) stands disposed of accordingly.

(PRAKASH GUPTA),J

KuD/MR/15

