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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2735 OF 1997@@
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New India Assurance Co. ... Appellant (s)

Vs.

Annu and Ors. ... Respondent (s)

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It is not disputed that this appeal is covered by
a decision of the Constitution Bench in New India@@
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Insurance Company Limited Vs. C.M. Jaya and Ors. -@@
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2002 (2) SCC 278.

In view of the said decision, the appeal is
allowed and the judgment under challenge is set aside.
We further direct that the amount deposited by the
appellant with the Tribunal, shall be refunded to the
appellant, excluding Rs.50,000/- plus interest and costs,
which has already been paid to the respondent-claimants.

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.SP1

.....J.
(V.N. KHARE)

.....J.
(SHIVARAJ V. PATIL)

.....J.
(ASHOK BHAN)

NEW DELHI
AUGUST 14, 2002.