

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.6947 of 2001@@
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(Arising out of S.L.P. (Civil) 17377 of 2001) (CC:6748)

National Insurance Co. Ltd. ..Appellant

Vs.

Ramanjit Kaur Johal & Ors. ..Respondents

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Delay condoned.
Issue notice.

Mrs. S. Bagga, learned counsel accepts notice on behalf of respondents 1 to 3.

After hearing both sides, we are inclined to dispose of the appeal at the admission stage itself. Hence, leave granted.

The Motor Accident Claims Tribunal awarded a total sum of a little above Rs.37,00,000/ in respect of death of the deceased in a motor accident. The appellant - Insurance Company preferred the appeal in which the contention is limited to the quantum of compensation payable. They applied for stay of execution of the award passed by the Tribunal. The stay was granted only in respect of a sum beyond the limit of Rs.25,00,000/-.

We are not deciding as to what exactly the quantum payable to the legal heirs of the deceased. Nonetheless,2/-

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after hearing both sides, we feel that the stay can be made absolute on condition that the appellant - Insurance Company should deposit a sum of Rs.20,00,000/- in respect of all the claims regarding the death of the deceased. If the said sum is deposited with the Tribunal within two weeks from today, the stay will become operative till the disposal of the appeal now pending before the High Court. The question of disbursement of the amount of Rs.20,00,000/-, if deposited, the Tribunal shall abide by the conditions imposed by this Court in G.M. Kerala State Road Transport Corporation,@@
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Trivendrum Vs. Susamma Thomas (Mrs.) & Ors. (1994 (2) SCC@@
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176).

This appeal is disposed of accordingly.

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(K.T. THOMAS)@@
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(S.N. VARIAVA)@@
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NEW DELHI@@
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OCTOBER 01, 2001. @@
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