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SLP(C)No. 6407 OF 2000

ITEM No.47

Court No.10

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.6407/2000

(From the judgement and order dated 23/02/2000 in CM 2896/00  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ORIENTAL INSURANCE CO. LTD.

Petitioner (s)

VERSUS

ALKA SHARMA & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 26/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s)

Mr. M.K. Dua,Adv.  
Mr. Kishore Rawat,adv.

For Respondent (s)

Mr. Prem Nath Malhotra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Leave granted.  
Appeal is disposed of. No costs.

.SP1

(Suman Wadhwa)  
PA to Addl.Regr.

(Vijay Aggarwal)  
Court Master

Signed order is placed on the file.

.PA  
.PL55

26.2.2001

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1589 OF 2001@@  
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(Arising out of SLP(C)No.6407/2000)

Oriental Insurance Co.Ltd. ...Appellant

Vs.

Alka Sharma & Ors. ...Respondents

ORDER@@  
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP3

Heard learned counsel for the parties. Leave granted.

This appeal filed by the Insurance Company is directed against the interim order passed by the High Court of Punjab and Haryana in FAO 458/2000 that during pendency of the appeal the claimant - respondents shall be entitled to withdraw Rs.8 lakhs out of Rs.9,82,000/- awarded as compensation by the Tribunal.

Considering the facts and circumstances of the case and the stand taken by the Insurance Company that the vehicle insured by it was not involved in the accident we are of the view that the order passed by the

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High Court should be modified. Accordingly it is ordered that the appellant-Insurance Company shall deposit the amount of compensation as ordered by the Tribunal; out of the same a sum of Rs.2,00,000/- may be withdrawn by the claimants and the balanced amount shall be deposited in a fixed deposit in any nationalised bank. The High Court is requested to dispose of the appeal expeditiously if possible within four months of receipt of intimation of this order. The order under challenge stands modified to the extent noted above. The appeal is disposed of. No costs.

.SP1

.....J.  
(D.P.MOHAPATRA)

New Delhi; .....J.  
February 26,2001. (SHIVARAJ V. PATIL)