

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).2 3 0 3 9 / 2 0 0 5

(From the judgement and order dated 1 9 / 0 5 / 2 0 0 5 in F A F O No.1 1 7 8 / 2 0 0 5
of The HIGH COURT OF JUDICA T U R E AT AL LA H A B A D)

VIMA L KUMA R

Petitioner(s)

VE R S U S

NAT ION A L INSU R A N C E CO. LT D. AND ANR.

Respondent(s)

[With prayer for interim relief and office report]

Date: 0 3 / 0 3 / 2 0 0 8 This Petition was called on for hearing today.

CORA M :

HON' B L E MR. JUS T I C E ASHO K BHA N

HON' B L E MR. JUS T I C E DA L V E E R BHA N D A R I

For Petitioner(s) Mr. Arun K. Shar m a ,Adv.

Mr. R.R. Shar m a , Adv.

Ms. Pr a tibh a Jain, Adv.

For Respondent(s)

Mr. S.L. Gupta, Adv.

Mr. Goodwill Indeevar, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(Madhu Bal a)

(Kanwal Singh)

Sr. P A

Court Master

(Signed order is placed on the file.)

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O. 1 7 1 8 O F 2 0 0 8

(Arising out of S L P (C)NO. 2 3 0 3 9 of 2 0 0 5)

VIMA L KUMA R

..A P P E L L A N

T (S)

VE R S U S

NAT ION A L INSU R A N C E CO.LT D. AND ANR.

..

R E S P O N D E N T (S)

OR D E R

Leave granted.

Appellant- claimant suffered 8 0% permanent disability in accident.

The Trial Court by its award dated 1 5 . 2 . 2 0 0 5 awarded a total sum of Rs. 7, 7 4 , 8 0 0 / - by way of compensation.

The High Court by the impugned order, while admitting the appeal, has stayed the operation of the impugned award dated 1 5 . 2 . 2 0 0 5 subject to the condition that the Insurance Company shall deposit one third of the amount awarded in the Subordinate Court within three months. The claimant was put at liberty to withdraw the aforesaid one third amount on furnishing surety.

Claimant, being aggrieved, is before us in the present case.

Heard counsel for the parties.

After hearing counsel for the parties and taking into account the injuries suffered by the appellant, we modify the impugned order of the High Court to the extent that instead of one third amount the Insurance Company shall deposit 5 0% of the amount awarded along with interest and the claimant- appellant would be entitled to withdraw the same without furnishing any surety. Insofar as the remaining 5 0% of the amount is concerned, the same shall remain stayed during the pendency of the appeal before the High Court.

The Appeal is disposed of in the above terms.

.....J .
[ASHO K BHA N]

N E W D E L H I ;
M A R C H 0 3 , 2 0 0 8

..... J.
[DAL V E E R BHA N D A R I]