

(2009) 07 SC CK 0055

In the Supreme Court Of India

Case No : Civil Appeal No. 4745 of 2009 (Arising out of SLP (C) No. 12849 of 2006) and Civil Appeal No. 4746 of 2009 (Arising out of SLP (C) No. 13140 of 2006)

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Lal Kaur and Others

RESPONDENT

Date of Decision : 20-07-2009

Acts Referred:

Citation : (2009) 07 SC CK 0055

Hon'ble Judges : Tarun Chatterjee, J; R. M. Lodha, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. These appeals are directed against interim orders dt.26.05.2006 in F.A.F.O. No. 1510 of 2006 and dt.25.05.2006 in F.A.F.O. No. 1477 of 2006 by which a Division Bench of the High Court of Judicature at Allahabad had passed the following order:

C.A. No. 4745/2009 @ SLP (C) No. 12849/2006

Until further orders of this Court, the impugned recovery proceedings against the appellant shall remain stayed, provided, the appellant deposits entire awarded amount with the Tribunal within two months from today, out of which an amount of Rs. 1,50,000/- shall be withdrawn by the claimant respondents within 3 months and the remaining amount shall be deposited by the Tribunal in any Nationalized Bank in an interest bearing account.

The statutory deposit made before this Court be remitted to the Tribunal within three weeks from today, which shall be adjusted towards the deposit to be made by the appellant.

C.A. No. 4746/2009 @ SLP (C) No. 13140/2006

Issue notice.

Rs.25000/- deposited in this Court shall be remitted by the office to the concerned Tribunal. The execution of the award shall remain stayed for a period of two months, provided the appellant deposits the entire sum so awarded under the award with the concerned Tribunal. The claimant/respondent No. 1 shall be entitled to withdraw Rs. 75000/- without furnishing any security and the remaining amount after furnishing security to the satisfaction of the concerned Tribunal.

3. Having heard the learned Counsel for the parties and considered the impugned orders, we are of the view that the impugned orders may be modified only to the extent that the claimant-respondents would only be entitled to withdraw the amount awarded by the claim Tribunal if the claimant-respondents furnish security for the entire amount to the satisfaction of the claim Tribunal.

4. With the above modification, the appeals are disposed of. There will be no order as to costs.