

(2000) 08 SC CK 0137

In the Supreme Court Of India

Case No : Civil Appeal No. 4765 of 2000

Oriental Insurance Co. Ltd.

APPELLANT

Vs

M.S. Lakshmisha and Others

RESPONDENT

Date of Decision : 25-08-2000

Acts Referred:

Citation : (2000) 3 AWC 3326 : (2000) 1 JT 207 Supp

Hon'ble Judges : Y. K. Sabharwal, J;S. P. Bharucha, J;Ruma Pal, J

Bench : Full Bench

Final Decision : Allowed

Judgement

S.P. Bharucha, Y.K. Sabharwal and Ruma Pal, JJ.—The respondents have been served but have not chosen to put in an appearance.

2. The order under challenge permitted the respondents to withdraw 50% of the amount that the Appellant-Insurance Company has deposited in the High Court at the admission stage. The notice that was issued upon the SLP stated that the matter might be disposed of at this stage by an order permitting withdrawal of 50% of the amount deposited only if the respondents furnish a bank guarantee of a nationalised bank in favour of the Registrar of the High Court for the amount thereof or furnish security to that extent to the satisfaction of the Registrar. At the stage when notice was issued, an ad interim order in these terms was passed.

3. Since the appeal is pending, we think that the High Court was not justified in permitting the respondents to withdraw 50% of the amount that has been deposited by the Appellant unconditionally. We think that the order indicated in the notice is the appropriate order to pass.

4. Accordingly, the appeal is allowed. The respondents shall be permitted to withdraw 50% of the amount deposited only if they furnish a bank guarantee of a nationalised bank in favour of the Registrar of the High Court for the amount thereof or furnish security to that extent to the satisfaction of the Registrar.

5. No order as to costs.