

(2009) 05 AHC CK 0479
In the Allahabad High Court

Oriental Insurance Comapny Ltd.

APPELLANT

Vs

Suranta Devi & Others

RESPONDENT

Date of Decision : 14-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0479

Hon'ble Judges : Amitava Lala, J and Devendra Kumar Arora, J

Final Decision : Allowed

Judgement

D.K.Arora,J.

In an earlier application on 17.7.2008 a Division Bench of this Court was pleased to pass an order not to release any amount since there was no appearance on behalf of the claimantrespondent the insurance company prima facie satisfied the court that there was no involvement of the vehicle. However, upon being served, the learned Counsel appearing for the claimantrespondent made an application for modification of the order, which according to us, seems to be stay vacation application. We have observed so on 17.7.2008 and directed the matter to appear before the regular Bench. Now the application has been placed before this Bench alongwith the appeal. Both the parties have already exchanged their affidavits and agreed that the appeal can be finally heard on informal papers. Therefore, we fix the matter for hearing in the week commencing from 06.07.2009. However, upon going through the judgment and order passed by this Court we find that there is a case of release of certain amount because noninvolvement of the vehicle can not be said to be absolute. Hence, the application is allowed without imposing any cost.

Tribunal concerned is at liberty to release 50% of the total deposited amount to the claimant/s without security.

However, Tribunal concerned is at liberty to keep remaining/balance 50% of the total deposited amount in a short term Fixed Deposit of a nationalized bank and will be renewed time to time till the payment is made or till further order/s of the

Court, whichever is applicable.

The entire deposited amount will include the statutory deposit of Rs. 25,000/, which will be remitted in favour of the concerned Tribunal as expeditiously as possible.

Record of the tribunal is summoned. The tribunal concerned will send the lower court record to this Court positively on the next date of hearing and after due compliance of the order with regard to the release of the amount in the meantime.