

(2020) 12 SHI CK 0138

In the High Court Of Himachal Pradesh

Case No : First Appeal From Order No.1, 2 Of 2015

Reliance General Insurance Company Ltd

APPELLANT

Vs

Krishna Devi And Ors

RESPONDENT

Date of Decision : 22-12-2020

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151, Order 32 Rule 12

Citation : (2020) 12 SHI CK 0138

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Jagdish Thakur, Deepak Kaushal, K.D. Sood, Sukrit Sood, N.K. Tomar

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

Through Video Conferencing

CMP No. 5586 of 2018 in FAO No. 1 of 2015

By way of instant application filed under Order 32 Rule 12, prayer has been made on behalf of the applicant/respondent No.2, for discharge of her

guardian as she has attained majority. Learned counsel representing the non-applicant/appellant states that he has no objection in case prayer made in

the application is accepted.

Averments contained in the application, which is duly supported by an affidavit as well as documents annexed therewith, clearly suggest that

applicant/respondent No. 2 has attained majority and she is entitled to prosecute the case in her independent capacity.

In view of the above, the application is allowed and applicant/respondent No. 2 is allowed to prosecute the case in her own independent capacity and

respondent No.1 Smt. Krishna Devi is discharged from her guardianship. Application stands disposed of.

FAO Nos. 1 and 2 of 2015

Learned counsel for the appellant(s) states that he has instructions to withdraw the present appeal(s).

Consequently, in view of the above, appeal(s) having been filed by the appellant(s) is dismissed as withdrawn. Interim order, if any, vacated.

CMP No. 5585 of 2018 in FAO No. 1 of 2015

By way of instant application filed under Section 151 CPC, prayer has been made on behalf of the applicant/respondent No.2, for release of the award

amount lying deposited in the Registry of this court. Learned counsel representing the non-applicant/appellant fairly states that since appeal having

been filed by the non-applicant/insurance company has been withdrawn, he shall have no objection in case prayer made in the application is allowed.

Having heard learned counsel for the parties and perused material available on record, especially order passed in FAO No. 1 of 2015, whereby appeal

having been filed by the appellant has been dismissed as withdrawn, this court sees no impediment in accepting the prayer having been made by the

applicant for release of award amount lying deposited in the Registry of this Court and accordingly, the application is allowed and Registry is directed

to release the award amount in favour of the applicant strictly as per her share, by remitting the same in her saving bank account, detail whereof is

mentioned in para-5 of the application, subject to verification by the Accounts Branch.

Since appeal having been filed by the non-applicant/appellant has been dismissed as withdrawn vide instant order, amount falling in the shares of

remaining non-applicants/respondents is also ordered to be released in their favour strictly as per their shares by remitting the same in their saving

bank accounts, detail whereof shall be furnished by their respective counsel before the Registry within a period of two weeks from today. Application

stands disposed of.