

(2008) 11 SC CK 0078

In the Supreme Court Of India

Case No : Civil Appeal No. 6621 of 2008 (Arising out of SLP No. 6919 of 2006) ,
Civil Appeal No. 6622 of 2008 (Arising out of SLP No. 7653 of 2006)
and Civil Appeal No. 6623 of 2008 (Arising out of SLP No. 7654 of
2006)

The Oriental Insurance Company Ltd.

APPELLANT

Vs

Kajal and Others

RESPONDENT

Date of Decision : 11-11-2008

Acts Referred:

Citation : (2009) 6 ALT 21 : (2009) 1 AWC 17 Supp

Hon'ble Judges : Tarun Chatterjee, J;Aftab Alam, J

Bench : Division Bench

Advocate : D. Varadarajan and Shiv Prakash Pandey, for the Appellant; S.G. Hasnain R.D. Rathore, Kailash Chand, Pramod Kumar Yadav, Rameshwar Prasad Goyal and Aaray Lingaiah alias A.K.R. Linga Reddy Patel, for the Respondent

Final Decision : Partly Allowed

Judgement

1. Leave granted.

2. These appeals are directed against interim orders dated 16th of February, 2006 in FAFO Nos. 397 of 2006 and 396 of 2006 and dated 25th of January, 2006 in FAFO No. 178 of 2006 by which a Division Bench of the High Court of Judicature at Allahabad had passed the following order:

C.A. No. 6621/2008 (Arising out of S.L.P.) No. 6919/2006 and C.A. No. 6622/2008 (Arising out of S.L.P.) No. 7653 of 2006 -

The entire amount awarded by the claim tribunal be deposited with the claim tribunal within two months and the same may be withdrawn by the claimant respondents. The statutory deposit made before this Court be remitted to the claim tribunal within a period of three weeks and the same may be taken into account.

C.A. No. 6623/2008 (Arising out of S.L.P.) No. 7654 of 2006 -

Until further orders of this court, execution shall remain stayed, provided the appellant deposits entire awarded amount with the tribunal within three months from today, out of which an amount of Rs. 1,50,000/ shall be given to the claimant respondents without any security and the balance amount be deposited by the Tribunal in any Nationalised 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.

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 a security for the entire amount to the satisfaction of the claim tribunal.

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