

**CMP No. 4628 of 2019 in FAO No.96 of 2000**

**31.5.2019**

Present: Ms. Shub Mahajan, Advocate, for the non-applicant/appellant.  
Ms. Rittu Chauhan, Advocate, for the applicants/respondents.

By way of instant application filed under Order 32 Rule 12 read with Section 151 CPC, prayer has been made on behalf of the applicants/respondents No.2 and 3, for discharge of their guardian as they have attained majority. Applicants have further prayed for release of amount lying deposited in the Registry of this Court. Learned counsel representing the non-applicant/appellant states that she does not intend to file any reply to the application and 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 applicants/respondents No. 2 and 3 have attained majority and they are entitled to prosecute the case in their independent capacity.

In view of the above, the applicants/respondents No. 2 and 3 are allowed to prosecute the case in their own independent capacity and respondent No.1 Smt. Sudharshana Chauhan is discharged from their guardianship.

It is not in dispute that judgment dated 9.8.2005, passed in FAO No. 96 of 2000 by this Court, has attained finality and no appeal, whatsoever, has been filed in the superior Court by the non-applicant/appellant. Hence, there is 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.

Consequently, in view of the above, the application is allowed and Registry is directed to release the award amount in

favour of the applicants/respondents No. 2 and 3, strictly as per their share, by remitting the same in their saving bank accounts, detail whereof is mentioned in para-7 of the application, subject to verification by the Accounts Branch. Application stands disposed of.

**31<sup>st</sup> May, 2019**  
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**(Sandeep Sharma),**  
**Judge**

