

Reena and others versus Narender Kumar  
**CMP No.640, 641 and 642 of 2022 in**  
**FAO No.255 of 2022**

28.02.2022    Present    Mr. Sative Chauhan, Advocate, for the applicants.  
Mr. Ashok Kumar, advocate, for the non-  
applicant/respondent No.2.  
**CMP No.640 of 2022**

By way of instant application filed under Order 32 Rule 12 CPC, prayer has been made on behalf of applicant No.3, Ms. Sunita alias Amita for the discharge of her natural guardian applicant No.1, Smt. Reena Devi and permit her to prosecute the case at hand in her independent capacity as she has attained majority. Despite sufficient opportunity, no reply has been filed on behalf of the non-applicants/respondents.

2.            Mr. Ashok Kumar, learned vice counsel representing non-applicant/respondent No.2 states that non-applicant/respondent No.2 shall have no objection in case prayer made in the application is allowed.

3.            Perusal of the averments contained in the application as well as document placed therewith, clearly reveals that aforesaid applicant No.3 has attained majority and as such, she is entitled to prosecute the case in her independent capacity.

4.            Accordingly, for the reasons stated in the application, which is duly supported by an affidavit, applicant/respondents No.1, namely, Smt. Reena Devi, is discharged from natural guardianship of the applicant No.3, who is further allowed to prosecute the case in her independent capacity. The application stands disposed of.

**CMP No.641 of 2022**

By way of instant application filed under Section 151 of the Code of Civil Procedure, prayer has been made on behalf of applicant No.3, Ms. Sunita alias Amita for release of the award amount lying deposited in the Registry of this Court. No reply is intended to be filed on behalf of the non-applicant-respondent.

Learned vice counsel representing non-applicant/respondent No.2 fairly states that since appeal bearing FAO No. 255 of 2010 having been filed by the applicants/appellants stands finally decided vide judgment dated 13.5.2016 by this Court, prayer made in the application can be allowed. Since, no appeal whatsoever has been filed against the aforesaid judgment by either of the parties in the superior Court of law, same has attained finality and as such, this Court sees no impediment in accepting the prayer made in the application.

Consequently, in view of the above, the present application is allowed and Registry is directed to release the award amount alongwith upto date interest, in favour of applicant No.3, Ms. Sunita alias Amita, strictly as per her share, by remitting the same in her saving bank account, details whereof are given in para-7(a) of the application, subject to the verification by the Accounts Branch. Needless to say, remaining amount falling in the shares of other persons shall be kept in FDRs, till further order, if not already released. The Application stands disposed of.

**CMP No. 642 of 2022**

Allowed. Translated copy of the documents be filed within a period of four weeks. The application stands disposed of.

**(Sandeep Sharma)**  
**Judge**

28<sup>th</sup> February, 2022  
(shankar)