

**Oriental Insurance Company Ltd vs. Smt. Pushpa Ran and
others**

**CMP No.6493 of 2022 in
FAO No.151 of 2018**

31.05.2022 Present Mr. Lalit K. Sharma, Advocate, for the non-applicant/appellant.

Mr. B.S.Chauhan, Senior Advocate with Mr. Munish Datwalia, Advocate, for the applicants/respondents No.1 to 3.

Mr. Ashish Verma, Advocate, for respondents No.4(a) to 4(e).

Mr. Praveen Kumar, Advocate, for respondent No.5.

By way of instant application filed under Order 32 Rule 12 and Section 151 CPC, prayer has been made on behalf of applicants/respondents No.1 and 2 for release of the award amount lying deposited in the Registry of this Court. Since applicant/respondent No.2, Kumari Pooja has attained the majority, she by ay of instant application, has also prayed for discharge of her natural guardian Smt. Pushpa Rana, applicant/respondent No.1 and permission to prosecute the case at hand in her independent capacity. No reply is intended to be filed on behalf of the non-applicant/appellant.

2. Dr. Lalit K. Sharma, learned counsel representing the non-applicant/appellant states that amount liable to be refunded to the non-applicant/appellant/insurance company in terms of judgment dated 14.12.2021, passed by this Court in FAO No.151 of 2018, whereby appeal having been filed by the non-applicant/appellant came to be partly allowed, may also be ordered to be refunded.

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Having carefully perused the averments contained in the application, which is duly supported by the affidavits of both the applicants/respondents as well as documents annexed therewith, this Court finds that applicant/respondent No.2, Kumari Pooja has attained majority and as such, she is entitled to prosecute the case in her independent capacity.

In view of the above, applicant/respondent No.1 Smt. Pushpa Rana, is discharged from natural guardianship and applicant/respondent No.2, Kumari Pooja is allowed to prosecute the case in her independent capacity.

Since, it is not in dispute that appeal bearing FAO No.151 of 2018, having been filed by the non-applicant/appellant, stands finally decided by this Court vide judgment dated 14.12.2021, whereby impugned award passed by learned Tribunal below has been modified from ₹20,47,500/ to ₹19,72,500/-, this Court finds no impediment in accepting the prayer made in the application, especially when none of the parties to the */is* have laid challenge to aforesaid judgment in superior court of law.

Consequently, in view of the above, the present application is allowed and Registry is directed to release the award amount alongwith upto date interest, falling in the shares of applicants/respondents No.1 and 2, by remitting the same in their saving bank accounts, details whereof are given in para-6 of the application, subject to the verification by the Accounts Branch. Since vide judgment dated 14.12.2021, passed by this Court, award passed by tribunal below has been modified, amount, if any, deposited in excess by the non-applicant/appellant/insurance company, be also refunded in its favour by depositing the same in its bank account, details whereof shall be furnished by learned counsel for the non-applicant/appellant within a period of two days.

Needless to say, Registry while doing the needful in terms of the instant order would also take into consideration judgment dated 14.12.2021 passed by this Court, whereby admittedly award passed by tribunal below stands modified. The Application stands disposed of.

(Sandeep Sharma)
Judge

31th May, 2022
(shankar)