

HIGH COURT OF SIKKIM

Record of proceedings

MAC App. No.05 of 2025

SHRI NIKHIL SUBBA & ORS.

..... APPELLANTS

VERSUS

THE BRANCH MANAGER, ICICI LOMBARD
GENERAL INSURANCE COMPANY & ORS.

..... RESPONDENTS

Date: 03.11.2025

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Appellants : Mr. Rahul Rathi, Advocate.

For Respondent : Mr. Thupden G. Bhutia, Advocate.
No.1. Mr. Prem Simon Chettri, Advocate.

For Respondent : None.
Nos. 2 & 3.

.....

1. By the impugned Judgment dated 26.12.2024 the Insurance Company who is the respondent no.1 herein was directed to pay compensation of Rs.74,96,244/- with interest @ 10% per annum from the date of filing of the claim petition i.e. 12.03.2024 until full realization.

2. The victim i.e. the appellant no.1 along with appellant no.2 had preferred the present appeal dissatisfied with the award of compensation granted by the learned Tribunal.

3. The Insurance Company has not filed any appeal and therefore, they are not aggrieved with the award of compensation as awarded by the learned Tribunal.

4. The learned counsel for the appellants submits that inspite of the award, no compensation has been awarded till date although the Insurance Company has not even filed any appeal.

HIGH COURT OF SIKKIM

Record of proceedings

5. The learned counsel for the Insurance Company submits that they had offered to pay the compensation awarded after the appeal had been filed however; the appellants had declined to accept it.

6. The learned counsel for the appellants submits that they had declined to take the offer as the appellants fears that they would not be entitled to further compensation if they had accepted the compensation awarded after filing of the appeal.

7. The impugned judgment reflects that the disability certificate (exhibit-29) certified that the appellant no.1 had 90% Locomotor Disability. It is submitted that because of his permanent disability he has not been able to move out from his place of residence which is situated at Saramsa Nandok Pw, Pakyong Road. It is therefore prayed that pending the final hearing of the appeal the amount of compensation awarded to the claimant by the learned Tribunal may be released subject to the outcome of the appeal.

8. The learned counsel for the respondents submits that they are ready and willing to pay the amount of compensation awarded. However, it may be noted that the compensation awarded also took into consideration the claims under the heads-attendant charges and future prospects.

9. This Court is of the view that therefore, the Insurance Company should satisfy the payment of compensation as awarded to the appellants by the learned Tribunal within a period of 15 days. The payment of compensation paid by the Insurance Company as directed shall be subject to the outcome of the present appeal by the appellants. It is ordered accordingly.

HIGH COURT OF SIKKIM
Record of proceedings

10. The Registry is directed to list this matter on the third week after the reopening of the court after winter vacation.

Judge