

ITEM NO.3                      Court 6 (Video Conferencing)                      SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12473/2021

(Arising out of impugned final judgment and order dated 01-04-2021 in AFO No. 71/2014 passed by the High Court Of Uttarakhand At Nainital)

NATIONAL INSURANCE CO. LTD.                      Petitioner(s)

VERSUS

CHAMPA DEVI & ORS.                      Respondent(s)  
(FOR ADMISSION and I.R.)

Date : 18-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)      Mr. Amit Kumar Singh, AOR  
   Mrs. K. Enatoli Sema, Adv.  
   Ms. Chubalemla Chang, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The only aspect sought to be raised before us is about the salary of the deceased who was deployed with the Army. It is the submission of learned counsel for the petitioner that in the own deposition of the wife of the deceased, the monthly salary was stated to be Rs.25,540/-. He has drawn our attention to the salary certificate (Annexure P-1) which puts the entitlement at Rs.25,540/- with deduction at Rs.4,590/- and the net salary payable Rs.20,950/-. It is, thus, his submission that even if the gross salary is taken, it is Rs.25,540/- and not

Rs.32,830/- as determined by the Tribunal and affirmed by the High Court. It is his further submission that it is not even appreciated as to how this figure of Rs.32,830/- came into being. This is despite the fact that even in the grounds of appeal before the High Court it has been urged that the gross salary was Rs.25,540/- in ground (2).

On perusal of the impugned order, we have pointed out to learned counsel for the petitioner that in para 7 it has been observed that the salary of the deceased was not much in dispute and was Rs.32,830/- in terms of the impugned order.

The aforesaid being the position, it is appropriate that the petitioner may file a review application before the High Court predicated on the aforesaid facts as we do not think under Article 136 of the Constitution of India, this is an aspect we should go into.

At this stage, learned counsel for the petitioner seeks to withdraw the petition with liberty to file a review petition.

Liberty granted in terms limited to the aforesaid.

The Special Leave Petition is dismissed as withdrawn in terms aforesaid.

[ASHA SUNDRIYAL]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)