

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).....CC No(s).  
7196/2017

(Arising out of impugned final judgment and order dated 07/10/2016  
in FAFO No. 1255/2011 passed by the High Court of Judicature at  
Allahabad, Lucknow Bench)

NEW INDIA ASSURANCE CO LTD

Petitioner(s)

VERSUS

ANUJ KUDESIA AND ANR

Respondent(s)

(with appln. (s) for c/delay in filing SLP)

Date : 11/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. K.K. Bhat, Adv.  
Mr. Ranjan Kumar Pandey, Adv.

For Respondent(s)

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

Delay condoned.

Learned counsel for the petitioner/Insurance Company invited our attention to the order passed by the High Court regarding creation of corpus fund to the tune of Rs.20,00,000/- (Rupees Twenty Lacs) for the purpose of utilization of interest thereon for meeting the expenses for replacement of artificial limb. The High Court has created that corpus fund and has ordered that after meeting the expenses the principal amount shall be released in favour of the surviving heirs of respondent No.1.

One is not quite sure, whether the interest accrued from the corpus fund would be sufficient for the purposes of meeting the

expenses for replacement of the artificial limb in future, in which case, the respondents may have to approach the Court for modification of the order for appropriation from the corpus fund itself. In the process ultimately if anything is left in the corpus fund it should not go to the surviving heirs of Respondent No.1. We find force in the submission of the learned counsel. To this limited extent the petitioner/Insurance Company is free to seek appropriate clarification from the High Court.

The special leave petition is, accordingly, disposed of.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)  
COURT MASTER

(RENU DIWAN)  
ASSISTANT REGISTRAR