

ITEM NO.12

COURT NO.6

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.841/2018

M/s. BAJAJ ALLIANCE GENERAL INSURANCE CO. LTD.

Appellant(s)

VERSUS

RAMBHA DEVI & ORS.

Respondent(s)

WITH

SLP(C) No. 18849/2019 (IV-A)

(IA No.177074/2019 - FOR PERMISSION FOR WITHDRAWAL OF AMOUNT; and,
OFFICE REPORT FOR DIRECTION) - LISTED

Date : 23-01-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MS. JUSTICE INDU MALHOTRA

HON'BLE MR. JUSTICE KRISHNA MURARI

Counsel for the Parties:

Ms. Joohi Zaidi, Adv.
Mr. Vishnu Mehra, Adv.
Ms. Sakshi Mittal, AOR

Ms. Archana Pathak Dave, AOR
Ms. Ankita Chaudhary, Adv.
Ms. Deepasha Talwar, Adv.
Mr. Kumar Prashant, Adv.

Mr. Ruchin Midha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

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

As noted in the order dated 16.01.2020, a sum of Rs.24,17,228/- has been deposited by the petitioner Insurance Company with the Registry of this Court and the amount stands invested in an interest bearing account with auto renewal facility in a nationalized Bank.

With the assistance of the learned counsel, we have gone through the application and the office report.

It is submitted that since there is a marriage in the family, some portion of the deposited sum be allowed to be withdrawn.

By order dated 16.01.2020, we had permitted respondents no.1 to 3 to withdraw fifty *per cent* of the deposited sum, subject to furnishing of security to the satisfaction of the Registrar (Judicial) of this Court. The respondents no.1 to 3, however, could not furnish adequate security on the basis of which the Registrar (Judicial) of this Court could permit them to withdraw the sum.

We have heard learned counsel for the parties.

In the present matter, the entitlement of the respondents no.1 to 3 to the sum as awarded is not in doubt. What is principally urged before this Court is the liability of the Insurance Company and whether the High Court could have set-aside the direction which was in the nature of "pay and recover".

Considering the entirety of facts and circumstances on record, we accept the application and direct that the respondents no.1 to 3 be permitted to withdraw fifty *per cent* of the deposited sum without furnishing any security.

Let the needful be done within three days from today.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER