

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3550 of 2023

Applicant :- Pushp Lata Singh

Opposite Party :- Shashank Garg. Divisional Manager, Oriental Insurance Co. Ltd. Lko.

Counsel for Applicant :- K.K. Singh

Hon'ble Rajesh Singh Chauhan,J.

1. Heard Shri Govind Chaturvedi, learned counsel for the respondents.

2. This Court has passed the order dated 13.10.2023, which reads as under:-

"1. Heard learned counsel for the petitioner.

2. Attention has been drawn towards an order of the Writ Court dated 06.07.2021 passed in two writ petitions baring Writ Petition No.10183 (M/B) of 2021 (Oriental Insurance Co. Ltd. through its Divisional Manager, Lucknow vs. State of U.P. & others) and Writ Petition No.6832 of 2021 (Pushp Lata Singh vs. State of U.P. & others). The second writ petition is relating to the present petitioner. By means of order dated 06.07.2021 (supra), the writ petition of the present petitioner was allowed and direction was issued to the Insurance Company to make payment of awarded amount to her within a period of one month. The Writ Court has further directed that if the payment is not made to the petitioner within the time stipulated, she shall be entitled to get interest at the rate of 02% per month.

3. Notably, the first writ petition is relating to the Insurance Company which was dismissed by this Court by means of order dated 06.07.2021 (supra).

4. Instead of making compliance of order of the Writ Court dated 06.07.2021, the Insurance Company has filed the Special Leave Petition before the Apex Court which was dismissed vide order dated 24.03.2023 (Annexure No.8).

5. Learned counsel for the petitioner has therefore submitted that despite the issue having been attained finality upto the Apex Court, the compliance of order of the Writ Court has not been done till date.

6. *The matter requires consideration.*

7. *Issue notice to the sole opposite party returnable at an early date, for which, necessary steps be taken within a week.*

8. *Office to proceed accordingly.*

9. *List this case on 28.11.2023.*

10. *On that date, the sole opposite party i.e. Sri Shashank Garg, Divisional Manager, Oriental Insurance Company Ltd. Vikas Deep Building, 9th Floor, 22, Station Road, Lucknow shall appear in person before the Court to explain as to why he has not complied the order of the Writ Court despite the fact that the Special Leave Petition of the Insurance Company has been rejected by the Apex Court vide order dated 24.03.2023.*

11. *If the order of the Writ Court has been complied with, he shall demonstrate the same and if the order of the Writ Court has not been complied with, he shall explain as to why the necessary action be not taken against him under the Contempt of Courts Act. "*

3. Shri Govind Chaturvedi, learned counsel for the respondents has filed affidavit of compliance of Shri Shashank Garg, who is presently serving as In-charge Key Business Office, Oriental Insurance Company Ltd., Lucknow, same is taken on record. The aforesaid officer is present in person.

4. In the aforesaid affidavit of compliance, it has been categorically indicated in paragraph no. 8 that the order of the writ Court has been complied with in its letter and spirit.

5. Since no one has responded on behalf of the petitioner, therefore, it may be presumed that the order of writ court has been complied with in its letter and spirit.

6. Accordingly, the contempt petition is dismissed. Notice, if any, is discharged.

(Rajesh Singh Chauhan, J.)

Order Date :- 28.11.2023

Virendra