

In the High Court of Punjab and Haryana at Chandigar

133

FAO No. 3650 of 2017 (O&M)

Date of decision: 10.7.2017

IFFCO TOKIO GENERAL INSURANCE CO LTD

.....Appellant

Versus

SANTOSH DEVI AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ravinder Arora, Advocate,
for the appellant.

Raj Mohan Singh, J.(oral)

CM-11885-CII-2017

For the reasons mentioned in the application, delay of
5 days in filing the appeal is condoned.

Application stands disposed of accordingly.

FAO No. 3650 of 2017

While deciding the claim petition, the Tribunal has
ordered that out of total award of ₹ 19,53,000/-, an amount of ₹
13,77,000/- along with interest be released in favour of the
claimants and the remaining amount to the tune of ₹ 5,66,000/-
along with interest calculated under the head of 'future
prospects' be deposited in the fixed deposit carrying maximum
interest in the nationalized bank in the name of the Tribunal.

The said amount is payable in favour of deserving party after

decision of the Apex Court in National Insurance Co. vs. Pushpa 2015 (SCC) 166.

The sole argument of learned counsel for the appellant is that the amount under the head of 'future prospects' be allowed to be retained by the Insurance Company on the same terms and conditions as imposed by the learned Tribunal and the appellant-company shall pay the same to the rightful claimant if the decision of **National Insurance Company's case (supra)** goes in favour of the claimants.

Having considered the submissions made by learned counsel for the appellant, I do not see any justification in ordering on the proposed line of action as projected by learned counsel for the appellant for the simple reason that necessary arrangement has already been made by the learned Tribunal by ordering deposit of the amount under the head of 'future prospects' in the fixed deposit carrying maximum interest in the nationalized bank in the name of the Tribunal. This being part of the established practice cannot be diluted at the instance of the appellant.

This appeal is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

July 10, 2017
anita

Whether reasoned/speaking

Yes/No