

**SUPREME COURT OF INDIA**

Vimal Kumar

Vs.

National Insurance Co.Ltd.

C.A.No.1718 of 2008

(Ashok Bhan and Dalveer Bhandari, JJ.)

03.03.2008

**ORDER**

(Arising out of SLP(C)No.23039 of 2005)

1. Leave granted. Appellant-claimant suffered 80% permanent disability in accident. The Trial Court by its award dated 15.2.2005 awarded a total sum of Rs.7,74,800/- by way of compensation. The High Court by the impugned order, while admitting the appeal, has stayed the operation of the impugned award dated 15.2.2005 subject to the condition that the Insurance Company shall deposit one third of the amount awarded in the Subordinate Court within three months. The claimant was put at liberty to withdraw the aforesaid one third amount on furnishing surety. Claimant, being aggrieved, is before us in the present case. Heard counsel for the parties. After hearing counsel for the parties and taking into account the injuries suffered by the appellant, we modify the impugned order of the High Court to the extent that instead of one third amount the Insurance Company shall deposit 50% of the amount awarded along with interest and the claimant-appellant would be entitled to withdraw the same without furnishing any surety. Insofar as the remaining 50% of the amount is concerned, the same shall remain stayed during the pendency of the appeal before the High Court.

2. The Appeal is disposed of in the above terms.