
(2010) 09 GAU CK 0030

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 6199 of 2001

Amir Ali (Md.) & Ors.

APPELLANT

Vs

Member, Motoraccidents Claims Tribunal & Ors.

RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Citation : (2011) 4 GLT 800

Hon'ble Judges : Amitava Roy, J

Bench : Single Bench

Advocate : For the Petitioners : Ms.A.Das, For the Respondents: Mr.S.K.Medhi,
Amicus Curiae, Advocates appearing for Parties

Judgement

Amitava Roy, J.—Heard Ms. A. Das, learned counsel for the petitioners and Mr. S.K. Medhi, learned Amicus curiae.

2. The factual background of the case needs narration in order to put at rest the lingering debate. In a motor accident involving vehicle No. ASG2607 the fathers of the present petitioners died on 03.12.81 due to rash and negligent driving of the vehicle. The petitioners were then minors. Their mothers had preferred claim petitions under the Motor Vehicles Act, 1939 before the learned Member, Motor Accident Claims Tribunal (for short "Tribunal") Kamrup, Guwahati and the same were registered as MAC Case Nos. 21(K) 82,22(K) 82,23(K)82 and 24(K)82 respectively. By a common Judgment and Award dated 24.11.86, the learned Tribunal in each case awarded compensation of Rs.70,000/ with interest at the rate of 6% per annum from 05.06.82 till realization together with cost of Rs.500/ each. Noticing that the petitioners are minors, the learned Tribunal directed that a certain percentage of the awarded amount be invested in NSCs or FDRs to be preserved for them till they attain majority.

3. In accordance with the above, by an order dated 15.09.87, the learned Tribunal computed the above apportioned segment of the awarded amount i.e. Rs. 16,302/ and the following cheques were issued in favour of the Branch

Manager, State Bank of India, A.T. Road, Guwahati to be kept in the fixed deposit in the names of the minors.

Case No. Cheque No. Date Amount

MAC 21(K)82 523231 15.09.87 16,3027

MAC 22(K)82 523232 15.09.87 16,3027

MAC 23(K)82 523235 15.09.87 16,3027

4. On the attainment of majority, the petitioner No.4, Manzila Khatun, her marriage having been fixed meanwhile approached the learned Tribunal for releasing her amount kept in fixed deposit. Though an order of release of the said amount in MAC Case No. 21(K) 82 was passed, according to the petitioner, no corresponding F.D.R. was located in the office of the Tribunal for which the amount could not be disbursed. Repeated approaches to the concerned Bank failed to yield any result. It was learnt that though at the relevant point of time two Savings Bank Accounts of the Tribunal were maintained, one in State Bank of India, A.T. Road Branch, Guwahati being S.B. A/c No. 01100050230 and the other in United Bank of India, Panbazar Branch being S.B. A/c No. 12513, it had opened two new accounts though the earlier ones were not closed and the amounts lying in deposit continued to remain lodged therein. It is in this background that the petitioners approached this Court in the year 2001. On the culmination of the enquiry as directed by this Court, it appeared from the reports of the learned Amicus Curiae, Registry of this Court and the learned Tribunal, Guwahati that the amount of the Cheques issued in favour of the petitioners had not been disbursed. This Court, therefore, vide orders dated 08.05.2002 and 09.10.2002 directed the learned Tribunal to pay the persons entitled in accordance with law and submit a compliance report to it. To facilitate the compliance of the earlier order, this Court directed the Registry of this Court to send back all the relevant records available including the report of the learned Amicus Curiae to the learned Tribunal, Guwahati with a direction to list the instant petition after the ensuing vacation.

5. The learned counsel for the petitioner submits that though meanwhile the principal amount of Rs. 16,3 02/ has been paid to them individually in terms of the award the interest to which they are entitled on their shares of the compensation amount ordered to be kept in the fixed deposit has not yet been released.

6. Having regard to the directions contained in the award visavis the petitioners who were then minors, they are entitled to the interest as ordered by the learned Tribunal.

7. In view of the above, the learned Tribunal would examine the availability of the funds on this count and would disburse the amount of interest thereon as awarded.

8. As the petitioners are awaiting in bonafide expectation, the entire exercise would be completed within a period of two weeks from the date of receipt of the certified copy of this order.

9. This petition is, therefore, closed with the aforesaid direction. It is hoped and believed that the learned Tribunal would do the needful so that the petitioners are not required to return to this Court with any further grievance on this count.

No costs.