(2010) 03 DEL CK 0300

In the Delhi High Court

Case No : MAC. App. No. 429 of 2009

Anju Nair APPELLANT

Vs

National Insurance Co. Ltd. and Others RESPONDENT

Date of Decision : 25-03-2010

Acts Referred:

Citation : (2010) 03 DEL CK 0300

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : Rahul Sharma and Mr. Jyoti Dutt Sharma, for the Appellant; Amit Kumar Pandey, for R-1, Mr. Arun Srivastava and Ms. Anupama for R-5 and 6 along with respondent No. 6, for the Respondent

Final Decision : Allowed

Judgement

J.R. Midha

CM No. 12603/2009

1. For the reasons stated in the application, the delay in filing of this appeal is condoned,

2. CM stands disposed of. MAC. APP. 429/2009 1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.17,82,208/- has been awarded to the appellant and respondents No.5 and 6.

MAC. App. 429/2009

3. The appellant is the widow of the deceased and respondents No.5 and 6 are the parents of the deceased. The Claims Tribunal has awarded 1/3rd to the appellant, 1/3rd to respondent No. 5 and 1/3rd to respondent No. 6.

4. The only ground urged by learned counsel for the appellant at the time of hearing of this appeal is that the appellant should have been awarded 60% of the award amount and the remaining 40% should have been awarded to respondents

No.5 and 6.

5. The appellant and respondent No.6 are present in the Court and they have agreed that the share of the appellant may be enhanced to 50% and the shares of respondents No.5 and 6 be reduced to 50%.

6. With the consent of the parties, the appeal is partially allowed and the share of the appellant and respondents No. 5 and 6 are fixed as under:-

(i) Share of the appellant : 50% of the award amount.

(ii) Share of respondents : 50% of the award No. 5 & 6 amount.

7. Respondent No.1 has deposited the entire award amount with the Claims Tribunal by means of three cheques on 5th November, 2009. There is deficiency in the amount deposited by respondent No.1.

8. In view of the modification of the shares of the parties, the Claims Tribunal is directed to return the said cheques to respondent No.1 within one week. Respondent No.1 is directed to deposit fresh cheque in respect of the entire award amount along with interest up to 31st December, 2009 with UCO Bank A/c Anju Nair, Delhi High Court Branch through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 30 days.

9. Upon the aforesaid amount being deposited, UCO Bank is directed to release 10% of the share of the appellant (50% of the entire award) to the appellant and 10% of the share of respondents No.5 and 6 (50% of the entire award amount) to respondents No.5 and 6 by transferring the same to their respective Saving Bank Account.

10. The remaining share of the appellant (90% of 50% of the award amount) be kept in fixed deposit in the name of the appellant in the following manner:-

(i) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of one year.

(ii) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of two years.

(iii) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of three years.

(iv) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of four years.

(v) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of five years.

(vi) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of six years.

(vii) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of seven years.

(viii) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of eight years.

(ix) Fixed deposit of 10% of the share of the appellant (10% of 50% of the award amount) for a period of nine years.

11. With respect to the shares of respondents No. 5 and 6, their remaining share (90% of 50% of the award amount) be kept in fixed deposit in the joint names of respondents No.5 and 6 in the following manner:-

(i) Fixed deposit of 10% of the share of respondents No.5 and 6 (10% of 50% of the award amount) for a period of six months.

(ii) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of one year.

(iii) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of one and half years.

(iv) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of two years.

(v) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of two and half years.

(vi) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of three years.

(vii) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of three and half years.

(viii) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of four years.

(ix) Fixed deposit of 10% of the share of respondents No. 5 and 6 (10% of 50% of the award amount) for a period of four and half years.

12. The interest on the aforesaid fixed deposits of the appellant shall be paid monthly by automatic credit of interest in Savings Bank Account of respondent No. 5.

13. Respondents No.5 and 6 are permanent residents of Kerala, Ernakulam and they have their bank account in UCO Bank, Main Branch, Ernakulam. The UCO Bank is directed to transfer the interest on the fixed deposits of respondents No. 5 and 6 monthly by automatic credit of interest in the Savings Bank Account No.04310110001998 of respondent No. 5 with UCO Bank, Main Branch at Ernakulam.

14. Withdrawal from the aforesaid account shall be permitted to the appellant

and respondents No. 5 and 6 after due verification and the Bank shall issue photo Identity Card to the appellant and respondents No. 5 and 6 to facilitate identity.

15. The Bank shall issue Fixed Deposit Pass Book instead of the FDRs to the appellant and respondents No. 5 and 6 and the maturity amount of the FDRs be automatically credited to the Saving Bank Account of the beneficiary at the end of the FDR.

16. No loan, advance or withdrawal shall be allowed on the said fixed deposit receipts without the permission of this Court.

17. Half yearly statement of account be filed by the Bank in this Court.

18. On the request of the appellant and respondents No. 5 and 6, the Bank shall transfer the Savings Account to any other branch according to the convenience of the appellant and respondents No.5 and 6.

19. The appellant and respondents No. 5 and 6 shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi.

20. List for reporting compliance on 12th May, 2010

21. Copy of the order be given dasti to counsel for both the parties under the signatures of the Court Master.

22. Copy of this order be also sent to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) through the UCO Bank, High Court Branch under the signature of Court Master.