
(2013) 01 DEL CK 0412
In the Delhi High Court
Case No : Mac. App. No. 907/2006

Cholamandlam MS General Insurance	Vs	APPELLANT
Sunita and Others		RESPONDENT

Date of Decision : 11-01-2013

Acts Referred:

Citation : (2013) 01 DEL CK 0412

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

Bench : Single Bench

Judgement

J.R. Midha, J.

Mac. App. No. 907/2006

1. Vide order dated 15th November, 2006, the appellant was directed to deposit the entire award amount along with interest with the Claims Tribunal within four weeks and 50% of the said amount was directed to be released to the claimants. Vide order dated 19th July, 2007, the balance 50% amount was directed to be invested in fixed deposit by the Claims Tribunal till the disposal of the appeal.

2. Vide order dated 19th October, 2012, this Court requisitioned a report from the Claims Tribunal with respect to the compliance of the orders dated 15th November, 2006 and 19th July, 2007.

3. The Claims Tribunal has sent a report dated 19th November, 2012 according to which the appellant deposited Rs. 6,01,146/- with the Claims Tribunal on 6th February, 2007 by means of three cheques detailed therein. However, the Claims Tribunal has not kept the amount in fixed deposit in terms of the order dated 19th July, 2007. The reason given for non-compliance of the aforesaid orders is that the Nazir did not put up the file before the Claims Tribunal.

4. The lapsed cheques were lying with the Claims Tribunal on 23rd February, 2010 when this Court directed all the Claims Tribunals in Sobat Singh Vs. Ramesh Chandra Gupta and Another, to issue notice of deposit to the claimants.

This Court also directed the Claims Tribunals to issue notice to the Insurance Companies to submit fresh cheques within 30 days. As such, there is violation of the orders dated 27th January, 2010 and 23rd February, 2010 passed in Sobat Singh (*supra*) as well. Let the complete record of the Claims Tribunal relating to the deposit and release of the award amount be requisitioned through a Special Messenger before the next date of hearing.

5. Considering that the cheques deposited by the appellant with the Claims Tribunal have lapsed, the appellant is directed to deposit the entire award amount along with up to date interest (after adjusting the interim award amount of Rs. 50,000/-) with UCO Bank A/c Sunita within 30 days. Upon the aforesaid amount being deposited, UCO Bank shall keep the said amount in fixed deposit till further orders.

6. List on 8th February, 2013. Copy dasti to counsel for the parties under the signature of the Court Master.