
(2002) 01 AHC CK 0099
In the Allahabad High Court
Case No : Writ petition No.135 (MS) of 2003

Gayatri Devi and Others

APPELLANT

Vs

Motor Accident Claims Tribunal/5Th Addl.District Judge,
Faizabad

RESPONDENT

Date of Decision : 29-01-2002

Acts Referred:

Citation : (2002) 01 AHC CK 0099

Hon'ble Judges : M.A.Khan, J

Final Decision : Allowed

Judgement

M.A. Khan, J.—Heard learned counsel for the petitioners and the learned standing counsel.

2. With the consent of parties" counsel this writ petition is decided finally.

3. By means of the Award dated 30.8.2001 petitioners were awarded certain amount towards compensation under the Motor Vehicles Act: The said amount was to be paid to the petitioners along with the interest @ 10% P.A. It has been stated by the petitioners" counsel that the amount of the Award has been deposited by the Insurance Company and when application for withdrawal of the said amount was moved, the Additional District Judge vide order dated 21.8.2002 refused permission to withdraw the said amount to the petitioners and instead directed that the said amount be deposited in some long term deposit and the petitioners would be entitled to get its interest either quarterly, six monthly or annually. Reliance was placed by the learned Additional District Judge on a case of K.S.R.T.C. v. Susamma Thomas, reported in 1994 (1) TAG 323.

4. In the case of K.S.R.T.C. v. Susamma Thomas (supra) their lordships of Supreme Court observed that the Claims Tribunal should in the case of minors or in the case of illiterate persons while making award of the compensation, may direct for investment of such amount in longterm fixed deposits giving them the benefit of payment of timely interest.

5. In the instant case the Claims Tribunal has already awarded the amount to which the petitioners were entitled. The Claims Tribunal has not made any such arrangement restricting the withdrawal of the said amount. The amount was also deposited by the Insurance company obviously for the purposes of withdraw by the claimants in terms of the award. Since the said amount could not have been withdrawn by the petitioners without permission of the Court, it appears that the application for withdrawal of the said amount was moved. The Additional District Judge instead of permitting the petitioners to withdraw the said amount, passed the order for deposit of the same in long term fixed deposit. He even did not specify as to what should be the period of the deposit and the payment of timely interest. The Additional District Judge fell into grave error in passing orders restraining the petitioners/claimants for withdrawing the amount and directing them to get interest only on certain intervals. The Additional District Judge was having no jurisdiction to pass any such order on the application for withdrawal of the amount awarded by the Claims Tribunal. There was no reason for the Additional District Judge to make any order, which has the effect of modifying the award passed by the Tribunal. The interference of the Additional District Judge was wholly uncalled for. The application for withdrawal of the amount awarded by the Tribunal ought to have been allowed as no order staying the implementation of the execution of the award was produced before the Additional District Judge.

6. Writ petition is, therefore, allowed. The order dated 21.8.2002 passed by the V Additional District Judge, Faizabad is set aside. No order as to costs.

(Petition allowed)