
(2009) 09 DEL CK 0205
In the Delhi High Court
Case No : CM (M) No. 497 of 2008

Jagpal Singh and Others

APPELLANT

Vs

Shankar and Others

RESPONDENT

Date of Decision : 25-09-2009

Acts Referred:

Citation : (2009) 09 DEL CK 0205

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

Bench : Single Bench

Advocate : Ashok Popli, for the Appellant; K.L. Nandwani, for the Respondent

Judgement

J.R. Midha, J.—Mr. H.R. Arya, Senior Divisional Manager, New India Assurance Company Limited, Divisional Office-14, New Delhi is present along with his counsel Mr. K.L. Nandwani. Mr. Arya submits that he has no objection to the award amount being released to the rightful legal heir of the deceased to be determined by this Court.

2. The accident dated 17th July, 1998 resulted in the death of Kali Charan. The deceased was survived by his parents who filed the claim petition before the learned Tribunal.

3. Vide award dated 9th June, 2004, the learned Tribunal awarded a sum of Rs. 3,50,600/-. The share of the father in the award amount was Rs. 1,00,000/- whereas the share of the mother in the award amount was Rs. 2,00,600/-. Respondent No. 3 deposited the award amount with the learned Tribunal by means of two cheques in the name of the parents of the deceased.

4. The father of the deceased withdrew the cheque in respect of his share. However, with respect to the share of the mother of the deceased, the father of the deceased applied to the learned Tribunal for release of the said amount to him on the ground that the mother of the deceased expired during the pendency of the claim petition which fact was not brought on record of the learned Tribunal before the passing of the award.

5. The learned Tribunal dismissed the application of the father of the deceased on the ground that the application for substitution after the passing of the award was not maintainable.

6. This petition has been filed by the father of the deceased who is petitioner No. 1 and two sons of petitioner No. 1 who are made petitioner Nos. 2 and 3. This case relates to the compensation of death of Kali Charan who was survived by his parents and, therefore, the share of the mother of the deceased has devolved upon the father of the deceased only and appellant Nos. 2 and 3 have no right in the compensation in respect of death of Kalicharan.

7. In view of the statement made by respondent No. 3 today in Court that they have no objection to the release of the award amount to the rightful owner, without going into the legal question involved which is left open to be decided in an appropriate case, the learned Tribunal is directed to release the share of the mother of the deceased to the father of the deceased who is petitioner No. 1 herein.

8. The petition stands disposed of.

9. This Court appreciates the assistance rendered by Mr. K.L. Nandwani, Advocate in resolving this case without insisting on the decision on the question of law.

10. Copy of this order be sent to the learned Tribunal for compliance.

11. Copy of this order be given "Dasti" to learned Counsel for both the parties under signatures of Court Master.