

(2009) 05 AHC CK 0369
In the Allahabad High Court

National Insurance Co.Ltd.

APPELLANT

Vs

Neeta Yadav And Others

RESPONDENT

Date of Decision : 28-05-2009

Acts Referred:

Citation : (2009) 05 AHC CK 0369

Hon'ble Judges : Amitava Lala, J and Devendra Kumar Arora, J

Final Decision : Allowed

Judgement

Amitava Lala and D.K.Arora, JJ.

An amendment application has been filed by the appellant in which the respondents have filed counter affidavit. Rejoinder, if any, will be filed before the next date of hearing.

The only issue involved herein is with regard to quantum. The appellant has contended that respondent no. 6, owner is not served with a notice but he has no role in respect of dispute between the parties, therefore, formal notice will be issued upon him by registered post with acknowledgement due within a period of one week from this date. Matter will appear in the additional list on 14th July, 2009.

The appeal will be heard and the stay of the order impugned passed by the learned Judge, Motor Accident Claims Tribunal, Allahabad dated 4th February, 2009 in M.A.C.P. No. 175 of 2005 will be operative subject to deposit of the entire awarded amount of Rs. 29,62,060/ along with interest accrued thereon till date within a period of one month from this date. Tribunal concerned is at liberty to release 50% of the total deposited amount to the claimant/s without security.

However, Tribunal concerned is at liberty to keep remaining/balance 50% of the total deposited amount in a short term Fixed Deposit of a nationalized bank and will be renewed time to time till the payment is made or till further order/s of the Court, whichever is applicable.

The entire deposited amount will include the statutory deposit of Rs. 25,000/, which will be remitted in favour of the concerned Tribunal as expeditiously as possible.

Translated copy of the judgement and order, if not filed, be filed on the next date of hearing.