

(2010) 09 AHC CK 0367
In the Allahabad High Court

National Insurance Company Ltd.

APPELLANT

Vs

Suman Sharma & Others

RESPONDENT

Date of Decision : 23-09-2010

Acts Referred:

Citation : (2010) 09 AHC CK 0367

Hon'ble Judges : S.P.Mehrotra, J and Sabhajeet Yadav, J

Final Decision : Allowed

Judgement

Sabhajeet Yadav, J.—Order on Appeal and Stay Application

Shri K.S. Amist, learned counsel for the appellant submits that the application filed on behalf of the appellant under Section 170 of the Motor Vehicles Act, 1988 was allowed by the Tribunal. He further submits that the main question in the present Appeal is regarding quantum of compensation awarded under the impugned Award.

Issue notice pending admission.

Notice on behalf of the claimantrespondent nos. 1 and 2 has been accepted by Shri Amit Daga, who has filed caveat on behalf of the said respondents.

Notice will be issued to the remaining respondents by Registered Post A.D. directing the respondents to put in appearance in the present case on or before 14.12.2010.

Notice will further require the said respondents to appear before the Mediation and Conciliation Center, High Court, Allahabad on 15.12.2010.

Requisite steps will be taken within two weeks.

Copy of this Order will also be sent alongwith notice.

The AppellantInsurance Company as well as the Respondents will appear before the Mediation and Conciliation Center, High Court, Allahabad on the aforesaid

date, i.e., 15.12.2010.

Heard on the question of grant of interim relief.

2. Having regard to the facts and circumstances of the case and having considered the submissions made by Shri K.S. Amist, learned counsel for the appellant and Shri Amit Daga, learned counsel for the claimantrespondent nos. 1 and 2, it is directed that the operation of the impugned Award dated 29.5.2010 will remain stayed until further orders of the Court, provided within six weeks from today, the appellant deposits the entire amount awarded under the impugned Award together with interest thereon before the Motor Accidents Claims Tribunal, Meerut.

3. The amount so deposited by the appellant will be paid/invested as under:

1. As regards the amount awarded to the claimantrespondent no.2 under the impugned Award, the same will be invested as per the directions given by the Tribunal in the impugned Award.

2. As regards the amount awarded respectively to each of the claimantrespondent nos. 3 and 4 under the impugned Award, the same will be paid/invested as under:

(A) 50% of the amount awarded respectively to each of the claimantrespondent nos. 3 and 4 under the impugned Award, will be paid respectively to each of such claimantsrespondents without furnishing any security.

(B) Balance 50% of the amount awarded respectively to each of the claimantrespondent nos. 3 and 4 under the impugned Award, will be invested in maximum interestbearing Fixed Deposit in a Nationalized Bank, renewable from time to time, in the respective name of each of such claimantsrespondents.

3. As regards the amount awarded to the claimantrespondent no. 1 under the impugned Award, the same will be paid/invested as under:

(A) Out of the amount awarded to the claimantrespondent no. 1 under the impugned Award, Rupees Two Lakhs will be paid to her without furnishing any security.

(B) Balance amount awarded to the claimantrespondent no. 1 under the impugned Award, will be invested in maximum interestbearing Fixed Deposit in a Nationalized Bank, renewable from time to time, in the name of the claimantrespondent no.1.

4. The amounts invested in Fixed Deposits, as per the directions given above, will not be permitted to be withdrawn by the claimantsrespondents without leave of this Court.

5. The amount of Rs. 25,000/ deposited by the appellant while filing the present Appeal, will be remitted to the Tribunal for being adjusted towards the deposit to be made by the appellant, as directed above.

6. In the event of default on the part of the appellant in making the deposit as directed above, this interim order will stand automatically vacated.

7. List before the appropriate Bench on 16.3.2011 when the Court will be informed regarding the result of mediation before the Mediation and Conciliation Center, High Court, Allahabad.