

(1995) 12 AP CK 0075
In the Andhra Pradesh High Court

Pachari Eswaramma

APPELLANT

Vs

A.P.S.R.T.C. and Others

RESPONDENT

Date of Decision : 20-12-1995

Acts Referred:

Citation : (1997) 1 ACC 132

Hon'ble Judges : Motilal B. Naik, J

Bench : Single Bench

Judgement

Motilal B. Naik J.

1. Petitioner is one of the claimants in O.P. No. 86/91 on the file of the Motor Accidents Claim Tribunal-cum-Addl. District Judge, Madanapalli. The said O.P. was ordered by the Tribunal on 30.9.1995 awarding a total compensation of Rs. 1,53,000/-, alongwith 12% interest and costs thereon. The said amount was apportioned among the claimants including the petitioner herein. Claimants 2 to 5 are the minor children of the petitioner born out of the wedlock with the late husband of the petitioner.

2. It is stated, the first claimant in the said O.P. who is the petitioner therein desired to withdraw the remaining part of her share awarded by the Tribunal which is kept in fixed deposit, alongwith accrued interest. Accordingly, she filed I.A. No. 749 of 1995 before the Tribunal seeking permission to withdraw her remaining share on the ground that she is suffering from chronic cholecystitis and needs necessary medical care. The Tribunal rejected the said application by holding that the certificate produced by the petitioner in support of her case is not issued by a Specialist Doctor. Aggrieved by the said order, the present C.R.P. is filed.

3. I have heard Sri Niranjana Reddy, learned Counsel for the petitioner in this behalf.

4. At the threshold, the learned Counsel vociferously contended that as the petitioner is in need of money for the purpose of treatment, the Tribunal below

ought to have granted relief to her by allowing her to withdraw her own share of compensation. It is now stated that the petitioner is prepared to take the remaining amount lying in fixed deposit in respect of her own share only.

5. Having regard to this submission, the petitioner is permitted to withdraw the remaining amount which is awarded to her by the Tribunal alongwith accrued interest thereon without furnishing any security. It is further made clear that the petitioner is not entitled to withdraw the shares of other minor petitioners in the said O.P.

6. The C.R.P. is allowed in the above terms.

7. It is brought to the notice of this Court by the learned Counsel that whenever amounts are deposited by the Insurance Companies concerned, pursuant to awards passed by the Tribunals, when an application is filed by the claimants seeking to withdraw, certain amounts from out of the said deposits, the Tribunals are issuing notices to the Counsel for the Insurance Companies though no appeal is preferred by the Insurance Companies against the said awards. As such, in the said process, the genuine need of the parties got frustrated. I entirely agree with this submission. The Motor Accidents Claim Tribunal shall bear in mind that whenever moneys are deposited pursuant to the award passed and where no appeals are preferred against such orders/awards by the Insurance Companies, and when applications are filed seeking to withdraw the amounts for a bonafide cause, the Tribunal shall take upon itself the task of examining the genuineness of such claim and pass appropriate orders on merits. There is no reason for the Tribunals to order notice to the Insurance Companies being represented by Counsel before the Tribunals. This practice has to be discouraged as it would lead to unnecessary delay in the matters which are already settled.