

(2008) 11 AHC CK 0086

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 23832 of 2008

Radhagangwar and Others

APPELLANT

Vs

State of U.P and Others

RESPONDENT

Date of Decision : 03-11-2008

Acts Referred:

Citation : (2008) 11 AHC CK 0086

Hon'ble Judges : Rakesh Tiwari, J

Final Decision : Allowed

Judgement

Rakesh Tiwari, J.—Heard learned counsel for the petitioner, learned Standing Counsel representing respondent No. 1 and perused the record.

2. In spite of time having been granted repeatedly, no counter affidavit is filed by the State. By the order dated 28.7.2008, stop order was passed by the Court granting six weeks and no more time to file counter affidavit. The case has come up today.

3. The controversy pertains to an award passed by Motor Accident Claims Tribunal, Farrukhabad (in short the Tribunal) under Motor Vehicles Act. The Tribunal awarded Rs. 4, 25, 000/ as compensation with 8% interest; that the Insurance company deposited Rs. 5, 93, 258/ with the Tribunal but on some frivolous objection made by Ram Babu, owner of the vehicle regarding genuineness of the signatures of the petitioner, the payment was held up with effect from 15.3.2004 to 25.4.2005. The petitioner claimed interest on this amount, which comes to about Rs. 50, 000/.

4. The petitioner filed an application praying that the interest paid by the Bank for the period with effect from 31.3.2004 to 26.4.2005 should also be paid to the petitioner.

5. The District Judge has passed an order on 9.5.2007 on the application of the petitioner, on the basis of the report of Senior Administrative Officer, Farrukhabad

Judgeship, directing that the interest accrued on the cheque money deposited in the Bank, will be payable to the Government.

6. Admittedly, the Tribunal has allowed the claim of the petitioner for a sum of Rs. 4, 25, 000/ with 8% interest. The aforesaid amount with 8% interest swelled up to Rs. 5, 93, 258/ as on 31.3.2004. The aforesaid amount was deposited by the Insurance Company with the Tribunal, but could not be paid to the petitioner due to objection raised by owner of the vehicle. This amount remained in deposit up to 26.4.2005 with the Bank and must have accrued interest thereon.

7. Learned Standing Counsel appearing for the State submits that the State Government was not a party before the Tribunal.

8. In this view of the matter, after hearing counsel for the parties, the Court is of the view that since the amount was in deposit with the Bank and must have earned some interest, the Presiding Officer had no occasion to direct the interest to be given to the Government as the interest is accrued on the amount of award which belongs to the petitioner particularly in view of the statement made by the Standing Counsel that the State was not party before the Tribunal.

9. In this view of the matter, this writ petition succeeds and is allowed. The petitioner is entitled to get the amount of award amounting to Rs. 4, 25, 000/ with 8% interest which swelled up to Rs. 5, 93, 2587with interest accrued for the period with effect from 31.3.2004 to 26.4.2005 during which the amount was in deposit with the Bank.