
(2004) 05 UK CK 0013

In the Uttarakhand High Court

Case No : Civil Writ Petition No. 362 (M/S) of 2004

Roshan Lal

APPELLANT

Vs

Motor Accident Claim Tribunal/District Judge and Another

RESPONDENT

Date of Decision : 17-05-2004

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2005) 1 UC 553

Hon'ble Judges : Irshad Hussain, J

Bench : Single Bench

Advocate : S.K. Mandal, for the Appellant; A.N. Sharma, for the Respondent

Judgement

Irshad Hussain, J.—Heard Sri S.K. Mandal learned Counsel for the Petitioner and Sri A.N. Sharma learned Counsel for the Respondent No. 2.

2. This petition under Article 227 of the Constitution of India has been preferred to have the condition relaxed as laid down in the judgment by the Motor Accident Claim Tribunal. The condition pertain to the payment of compensation awarded. The jurisdiction under Article 227 of the Constitution of India is supervisory and that being also plenary the condition can be relaxed in the interest of justice.

3. The condition pertain to the amount of Rs. 75,000/- directed to be deposited in some scheme. In this case the claimant was the father of the deceased child and he has a young daughter who is going to be married. The claimant had been released only a sum of Rs. 10,000/- which may not be sufficient for the marriage expenses and the other liabilities which the claimant had to undertake in connection with the family affairs. Considering these aspects of the matter the condition imposed is relaxed to the extent that instead of Rs. 10,000/- the claimant shall be released a sum of Rs. 50,000/- and remaining amount of 35,000/- shall be invested in some saving scheme, say, fixed deposit scheme in a nationalized bank for a period of three years.

4. In view of above the impugned judgment dated 26.8.2003 is modified

accordingly and the Petitioner-claimant is permitted to withdraw a sum of Rs. 50,000/- (fifty thousands) from the Motor Accident Claim Tribunal Udham Singh Nagar.