

(1991) 07 MP CK 0007
In the Madhya Pradesh High Court

Sajjan Singh

APPELLANT

Vs

Manjibhai and Others

RESPONDENT

Date of Decision : 17-07-1991

Acts Referred:

Citation : (1991) 2 ACC 446

Hon'ble Judges : R.K. Verma, J

Bench : Single Bench

Judgement

R.K. Verma, J.—This appeal was filed by the parents of deceased Santosh against the Award dated 3.1.1989 passed by Motor Accident Claims Tribunal, Alirajpur District Jhabus in civil case No. 1/88 whereby the learned Tribunal has awarded compensation of Rs. 50.000/- with interest @ 12% per annum from the date of claim petition till realisation.

2. The learned Tribunal has held the claimants Sajjan Singh and Mangtibai—parents of the deceased Santosh, entitled to said compensation in equal shares. It has been directed by the learned Tribunal that upon deposit of the awarded amount of compensation in court the claimants shall be paid Rs. 1000/- each by account payee cheques and the balance amount shall be deposited in two equal fixed deposits for six years in the names of the two claimants in the State Bank of Indore, Alirajpur Branch and the claimants shall be entitled to receive interest annually from the said fixed-deposits.

3. In this appeal the only prayer made, is that the amount directed to be kept in fixed deposits in the name of Sajjan Singh and Mangtibai be ordered to be paid to the claimants together with interest

4. During the pendency of this appeal the father of the deceased, Sajjan Singh has died and his two sons Dinesh and Shambhusingh have been brought on record as appellants against the name of Sajjansingh in the cause title on 21.9.90

5. It has been submitted by the learned Counsel for the appellants that if the entire amount is paid to the appellants in cash, they would make investment for

a permanent source of income by purchase of agriculture land.

6. The learned Counsel for the respondent No. 3. Insurance Company has submitted that the Insurance Company had deposited in court an amount of Rs. 15000/- on 14.9.89 in compliance with the interim Award and has given a cheque No. 1163696 date 1.1.191 for Rs. 53,082/- drawn on Bank of India Plasia Branch, Indore to satisfy the award dated 3.1.89.

7. Having heard learned Counsel for the parties, I do not think it worth while to interfere with the mode of payment directed by the learned Tribunal. The claimants belong to Bhilala Tribe. Learned Counsel for the appellants on query informed this court that the claimants did not possess lands. The father of deceased Santosh viz., Sajjansingh had died during the pendency of this appeal leaving behind her widow Mangtibai and two minor sons Dinesh and Shambhusingh. In my opinion the interest of the widow and her minor sons would be better protected if the amount payable to the appellants are kept in fixed- deposit so as to yield interest income for their subsistence. But certain incidental modification of the Award is necessary in view of the death of the appellant Sajjansingh during the pendency of this appeal and substitution of his minor sons Dinesh and Shambhusingh. It has also been suggested that if the compensation amount is kept in fixed-deposit, as directed by the learned Tribunal the interest income should be available to the claimants quarterly and not annually. It has also been submitted that the cheque dated 1.1.91 for Rs. 53,082/- given by the Insurance Company has not been encashed and as such, the interest on that amount has accrued to the Insurance Company and not to the claimants.

8. In view of the submissions made as above, I deem it fit to modify the award inasmuch as I direct that the share of the compensation amount payable to Sajjansingh shall be deposited in the joint names of the minor sons of Sajjansingh viz. Dinesh and Shambhusingh. I further direct that the amount of interest on the fixed deposit shall be payable quarterly and not annually. Since interest has accrued to the Insurance Company on the amount of the cheque because of its non-encashment, it is directed that the Insurance Company shall pay interest @ 12% per annum on the amount of cheque till its encashment and this amount of interest shall be paid in cash to the appellants claimants.

9. It has been stated that the amount of Rs. 1,5000/- deposited by the Insurance Company before the learned Tribunal has been allowed to be withdrawn by the claimants upon furnishing security. In case the amount has not been withdrawn for want of security, it is directed that no security would be necessary for withdrawing the said amount.

10. With the modifications and direction aforesaid, this appeal shall stand disposed of with no order as to costs.