

(2017) 03 TP CK 0019
In the Tripura High Court
Case No : 54 of 2011

The Oriental Insurance Company Ltd., Represented by its
Divisional Manager

APPELLANT

Vs

Sri Tushar Kanti Mahajan, S/o Sri Bindu Lal Mahajan, & Ors.

RESPONDENT

Date of Decision : 16-03-2017

Acts Referred:

Constitution of India, Article 226, Article 227 - Power of High Courts to Issue certain writs - Power of superintendence over all courts by the High Court
Code of Civil Procedure, 1908, Section 115 - Revision
Motor Vehicles Act, 1988, Section 170, Section 170, Section 163A, Section 163A - Impleading insurer in certain cases - Special provisions as to payment of compensation on structured formula basis

Citation : (2017) 03 TP CK 0019

Hon'ble Judges : T. Vaiphei

Bench : Single Bench

Advocate : P Gautam, S Deb Gupta

Judgement

1. This civil revision under Article 227 of the Constitution is directed against the judgment dated 23-11-2010 passed by Motor Accident Claims Tribunal, West Tripura in TS (MAC) No.278 of 2009 awarding a compensation of Rs.25,68,096/- to the husband and minor son of the deceased who died in a vehicular accident.

2. The facts giving rise to this revision, as projected by the claimantrespondents, may be referred to briefly at the outset. On 16-5-2009 at about 9-30 AM, when the respondent No.1 along with his wife, late Ratna Debnath (Mahajan) were on their way to TTAADC Office at Khumlawng riding in a motor cycle bearing registration number TRO1-G-5277 in a normal speed, they were knocked down by a truck bearing registration number TRL-3034 running from the opposite direction at a high speed. As a result, both of them suffered from injuries and were admitted to GB Hospital, Agartala for treatment, but his wife succumbed to

her injuries after an hour of the accident. According to the claimant-respondents, the accident occurred due to rash and negligent driving by the driver of the offending truck. The deceased is survived by the respondent No. 1 and their minor son, namely, Tuhir Mahajan. The deceased was aged about 35 years and serving as an LDC in the Office of the Tripura Tribal Areas Autonomous District Council (TTAADC) drawing a sum of Rs.22,000/- per month as a salary at the time of the accident. They filed the claim petition to seek a compensation of Rs.45,05,000/- from the owner of the vehicle and the Oriental Insurance Company (the petitioner-insurer).

3. The appellant and the owner of the offending vehicle contested the claim petition and submitted their respective written statements. Both of them denied the claim of the respondents. They denied that the truck was driven rashly and negligently, and the accident rather occurred due to rash and negligent driving of the motor cycle by which the deceased and the respondent No.1 traveled. The claim petition suffered from non-joinder of the owner of the motor cycle, who was a necessary party. The Tribunal, on the basis of the pleadings of the parties, formulated the following issues:

1) Whether the deceased Ratna Debnath (Mahajan) died on 16-5- 2009 in a road traffic accident occurred on 16-5-2009 at about 9-30 AM at Noboday Para Aralia near the house of Chandan Das over Bankumari to Kumlawng Road, under East Agartala Police Station due to dashed (sic) by a motor vehicle bearing registration number TRL-3034 (truck)?

2) Whether the petitioners are entitled to get any compensation? If so, what will be the amount of compensation and who is liable to pay the same?

3) What other relief/reliefs the petitioners are entitled to?

The respondent No.1 adduced his evidence by submitting his examination-in-chief by affidavit and was cross-examined. The appellant examined himself as PW-1, but the insurer did not adduce any evidence. At the conclusion of the trial, the Tribunal passed the impugned judgment awarding the said compensation.

4. In the instant case, one undisputed fact is that the respondent No.1 is the husband of the deceased, who was working as LDC in the Office of the TTAADC at the time of the accident and was earning Rs.22,000/- per month by way of salary, whereas the respondent No. 1 is serving as a Teacher of Chantai Bari High School and was earning Rs.12,100/- after deduction per month as salary vide the Salary Certificate dated 1-4-2011 issued by the Inspector of Schools, Jirania, Tripura. A preliminary objection has been raised by the respondents that this civil revision is not maintainable on the grounds that the insurer cannot challenge the quantum of compensation awarded by the Tribunal inasmuch as no application U/s 170, Motor Vehicles Act, 1988 was filed by it before the Tribunal to contest the claim petition on all grounds and that when an appeal by the insurer is barred for challenging the quantum of compensation, the respondents cannot challenge the impugned judgment by filing a revision petition under Article 227 of the

Constitution. Since no other points are urged by the parties, the following points are formulated for consideration:

1) Whether a civil revision under Article 227 of the Constitution is maintainable when the petitioner is barred from challenging the impugned judgment by way of appeal inasmuch as it never contested the claim petition U/s 170, MV Act?

2) If so, whether the respondent No.1 is entitled to compensation when he himself is a regular School Teacher of the TTAADC and was not dependent on the salary of the deceased?

3) If the respondent No.1 is found to be not entitled to compensation under the head of loss of dependency, whether he is entitled to any compensation at all under other heads? If so, what should be amount which can be awarded to him?"

5. The first point for consideration begets another question, namely, whether the petitioner is denuded of any right to file an appeal against the impugned judgment on the ground that he did not contest the claim petition U/s 170 MV Act? In *United India Insurance Co. Ltd. v. Shila Datta and others*, (2011) 10 SCC 509, the Apex Court deals with this problem and observed:

"3. The insurance companies have urged the following five points for our consideration, which are independent grounds in support of their contention that insurance companies are not barred from questioning the quantum of compensation either before the Motor Accidents Claims Tribunal or in appeals arising from the awards of the Tribunal:

* * *

(iii) When an insurer is aggrieved by the quantum of compensation, it is not seeking to avoid or exclude its liability, but merely wants determination of the extent of its liability. The restrictions imposed upon the insurers to defend the action by the claimant or file an appeal against the judgment and award of the Tribunal will apply, only if it wants to file an appeal to avoid liability and not when it admits its liability to pay the amount awarded, but only seeks proper determination of the quantum of compensation to be paid.

(iv) Appeal is a continuation of the original claim proceedings. Section 170 provides that if the person against whom the claim is made, fails to contest the claim, the insurer may be permitted to resist the claim on merits. If and when an award is made by the Tribunal, which is excessive, arbitrary or erroneous, the owner of the vehicle has to challenge the same by filing an appeal before the High Court. If the insured (owner of the vehicle) fails to challenge an award even when it is erroneous or arbitrary or fanciful, it can be considered that the insured has failed to contest the same and consequently under Section 170, the High Court or the Tribunal may permit the insurer to file an appeal and contest the award on merits.

* * *

The Apex Court ultimately held as under:

"35. However, in view of the decision in *Nicolletta Rohtagi*, (2002) 7 SCC 456: 2002 SCC (Cri) 1788, we cannot decide Points (iii) to (v) in favour of the insurers. For the aforesaid reasons, insofar as Issues (iii) to (v) are concerned, we are of the view that *Nicolletta Rohtagi* requires reconsideration by a larger Bench.

Conclusion

36. We accordingly answer the points arising from the reference as under:

(i) Points (i) and (ii) are held in favour of the insurers. The matters covered by Points (i) and (ii) are to be placed before the respective Benches for consideration accordingly.

(ii) Points (iii) to (v) which may come in conflict with *Nicolletta Rohtagi*, are referred to a larger Bench. We accordingly direct these matters (that is, cases where the insurer alone was the appellant before the High Court and where the insurer was only a noticee under Section 149(2) and not an impleaded respondent in the claim petition), to be placed before the Hon'ble Chief Justice for constituting a larger Bench to consider Points (iii), (iv) and (v) raised by the insurers."

Thus, the controversies have not been laid to rest till now as can be seen from the observation of the Apex Court in *United India Insurance Co. Ltd. v. Sunil Kumar*, (2014) 1 SCC 680 in which it has been observed that the issues arising therein were sought to be placed before the larger Bench correct interpretation of scope of Section 163-A of the Motor Vehicles Act, 1988, as well as Points (iii) to (iv) referred to in *Shila Datta* case, *United India Insurance Co. Ltd. v. Shila Datta*, (2011) 10 SCC 509: (2012) 3 SCC (Civ) 798: (2012) 1 SCC (Cri) 328.

6. Therefore, as the law stands, the insurer cannot file an appeal on the quantum of compensation. Obviously, to overcome this jurisdictional hurdle, this civil revision under Article 227 of the Constitution has been filed by the petitioner. After expressing doubt about the soundness of the view taken by another Bench in *Shalini Shyam Shetty v. Rajendra Shankar Patil*, (2010) 8 SCC 329, the Apex Court explained the scope and ambit of Article 227 of the constitution vis-a-vis Article 226 of the Constitution and laid down the following principles:

"49. On an analysis of the aforesaid decisions of this Court, the following principles on the exercise of High Court's jurisdiction under Article 227 of the Constitution may be formulated:

(a) A petition under Article 226 of the Constitution is different from a petition under Article 227. The mode of exercise of power by the High Court under these two articles is also different.

(b) In any event, a petition under Article 227 cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially

different from the history of conferment of the power of superintendence on the High Courts under Article 227 and have been discussed above.

(c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restraint on the exercise of this power by the High Court.

(d) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in *Waryam Singh, Waryam Singh v. Amarnath*, AIR 1954 SC 215 and the principles in *Waryam Singh* have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.

(e) According to the ratio in *Waryam Singh*, followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and courts subordinate to it, "within the bounds of their authority".

(f) In order to ensure that law is followed by such tribunals and courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.

(g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.

(h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words the jurisdiction has to be very sparingly exercised.

(i) The High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261: 1997 SCC (L&S) 577 and therefore abridgment by a constitutional amendment is also very doubtful.

(j) It may be true that a statutory amendment of a rather cognate provision, like Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999 does not and cannot cut down the ambit of High Court's power under Article 227. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227.

(k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised suo motu.

(l) On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.

(m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

(n) This reserve and exceptional power of judicial intervention is not to be exercised just for grant of relief in individual cases but should be directed for promotion of public confidence in the administration of justice in the larger public interest whereas Article 226 is meant for protection of individual grievance. Therefore, the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline pointed out above.

(o) An improper and a frequent exercise of this power will be counterproductive and will divest this extraordinary power of its strength and vitality."

7. Thus, the power of High Court under Article 227 of the Constitution is discretionary and should be exercised only on equitable principle. In appropriate cases, the power can even be exercised suo motu. For example, the High Court can interfere where there has been patent perversity in the orders of the tribunals and courts subordinate to it or where there has been gross and manifest failure of justice or the basic principles of natural justice have been flouted. However, a High Court cannot rush to exercise this discretionary jurisdiction at the drop of a hat, but it can do so, in my view, to discharge its constitutional duty where there is no alternative statutory remedy to redress the grievance of a party to litigation. Where a perverse order or patently illegal order is passed by a tribunal or a court or, in this case, when no appeal by the insurer is permitted on the quantum of compensation due to statutory prohibition, can a Court simply fold its hands and blame the draftsman of the Motor Vehicles Act, 1988 for not engrafting a provision for appeal and allow the insurer to pay compensation, which is found to be excessive or which is not payable at all? I do not think so. This Court in exercise of its jurisdiction under Article 227 of the Constitution is rather expected to, and must interfere to set the manifestly wrong orders of the tribunals or courts right; failure to exercise such jurisdiction will tantamount to perpetuation of illegalities and grave miscarriage of justice or gross injustice. There is no wrong without remedy (*ubi jus ibi idem*). Therefore, the first point is decided in the affirmative but with a rider that the illegality

complained of must be glaring or bordering on perversity/irrationality. In other words, there should be no possibility of two views on the matter.

8. This then takes me to the meat of the matter, namely, whether the respondent No. 1 was the dependent of his deceased wife at the time of the accident. There is no dispute at the bar that there is nothing in the evidence to show that the respondent No.1 was dependent on his deceased wife for his sustenance. This is natural in view of the admitted position of the parties that he was serving as a Teacher under the TTAADC and was earning a sum of Rs.12,100/- per month after deductions as salary. There is no evidence to show that the spouses used to have independent establishment before the accident. Under the circumstance, I hold that the respondent No. 1 is not the dependent of his deceased wife. I am fortified in my view by the decisions of the Division Bench of Karnataka High Court (DB) and the Single Bench of Delhi High Court in *A. Manavalaganda v. A. Krishnamurthy*, 2004 ILR (Kant) 3268 and *Keith Rowe v. Prashant Sagar*, 2010 (2) ACC 64 respectively. Suffice it to refer to *A. Manavalaganda* (supra), which is, with due respect, the leading authority in this field. Speaking for the Court, JUSTICE R.V.RAVEENDRA (as he then was) observed as follows:

"16. But, what would be the position if the claimant, though a legal heir is not a dependant of the deceased? Obviously, the question of awarding any amount under the head of loss of dependency would not arise, as there was no financial dependency. In fact in this case, the deceased was not even managing the "house hold" as is normally done by a housewife as the husband and wife were living in different places due to exigencies of service and the couple had no children. In such a case, the main head of compensation will be loss to estate under Section 2 of the Fatal Accidents Act. The claim petition becomes one on behalf of the estate of the deceased and the compensation received becomes part of the assets of the estate. Consequently what is to be awarded under the head of loss of dependency under Section 1A would be nil, as there is no real pecuniary loss to the members of the family.

17. In *GAMMELL v. WILSON* 1981(1) ALL ER.578 the House of Lords held that in addition to the conventional and moderate damages for loss of expectation of life, damages for loss to the estate should include damages for loss of earnings of the lost years. The annual loss to the estate was computed to be the amount that the deceased would have been able to save after meeting the cost of his living and damages for loss to the estate were computed after applying a suitable multiplier to the annual loss. *GAMMELL* was relied on in *SUSAMMA THOMAS* (Supra) and by the Madhya Pradesh High Court in *RAMESH CHANDRA v. M.P. STATE ROAD TRANSPORT CORPORATION* 1983 ACC. C.J 221".

18. In *MADHYA PRADESH STATE ROAD TRANSPORT CORPORATION v. SUDHAKAR*, 1977 ACJ 290 the Supreme Court considered a case where an employed husband claimed compensation in regard to the death of his wife who was employed on a monthly salary of Rs.200/- to Rs.250/-. The Supreme Court observed:

"We find it difficult to agree that only half of that amount would have been sufficient for her monthly expenses till she retired from service, so that the remaining half may be taken as the measure of her husband's monthly loss. It is not impossible that she would have contributed half of her salary to the household, but then it is reasonable to suppose that the husband who was employed at slightly higher salary would have contributed his share to the common pool which would have been utilised for the lodging and boarding of both of them. We do not therefore think it is correct to assume that the husband's loss amounted to half the monthly salary the deceased was likely to draw until she retired. If on an average she contributed Rs.100/- every month to the common pool, then his loss would be roughly not more than Rs.50/-per month."

19. We may summarise the principles enunciated, thus:

(i) The law contemplates two categories of damages on the death of a person. The first is the pecuniary loss sustained by the dependant members of his family as a result of such death. The second is the loss caused to the estate of the deceased as a result of such death. In the first category, the action is brought by the legal representatives, as trustees for the dependants beneficially entitled. In the second category, the action is brought by the legal representatives, on behalf of the estate of the deceased and the compensation, when recovered, forms part of the assets of the estate. In the first category of cases, the Tribunal in exercise of power under Section 168 of the Act, can specify the persons to whom compensation should be paid and also specify how it should be distributed (Note: for example, if the dependants of a deceased Hindu are a widow aged 35 years and mother aged 75 years, irrespective of the fact that they succeed equally under Hindu Succession Act, the Tribunal may award a larger share to the widow and a smaller share to the mother, as the widow is likely to live longer). But in the second category of cases, no such adjustments or alternation of shares is permissible and the entire amount has to be awarded to the benefit of the estate. Even if the Tribunal wants to specify the sharing of the compensation amount, it may have to divide the amount strictly in accordance with the personal law governing succession, as the amount awarded and recovered forms part of the estate of the deceased.

(ii) Where the claim is by the dependants, the basis for award of compensation is the loss of dependency, that is, loss of what was contributed by the deceased to such claimants. A conventional amount is awarded towards loss of expectation of life, under the head of loss to estate.

(iii) Where the claim by the legal representatives of the deceased who were not dependants of the deceased, then the basis for award of compensation is the loss to the estate, that is, the loss of savings by the deceased. A conventional sum for loss of expectation of life is added"

(Underlined for emphasis)

Therefore, it can now be taken to be the law that where the claim is made by the legal representatives of the deceased, who were not dependents at the time of the accident, there is no question of loss of dependency; what can be awarded is the loss to the estate, that is, the loss of savings by the deceased. The principle for assessing the loss of estate is also enunciated in *A. Manavalagan (supra)*, the relevant portions whereof are in the following terms:

"(iv) The procedure for determination of loss to estate is broadly the same as the procedure for determination of the loss of dependency. Both involve ascertaining the multiplicand and capitalising it by multiplying it by an appropriate multiplier. But, the significant difference is in the figure arrived at as multiplicand in cases where the claimants who are dependants claim loss of dependency, and in cases where the claimants who are not dependents claim loss to estate. The annual contribution to the family constitutes the multiplicand in the case of loss of dependency, whereas the annual savings of the deceased becomes the multiplicand in the case of loss to estate. The method of selection of multiplier is however the same in both cases."

20. The following illustrations with reference to the case of a deceased who was aged 40 years with a monthly income of Rs.9000/- will bring out the difference between cases where claimants are dependents and cases where claimants are not dependents.

(i) * * *

(ii) * * *

(iii) * * *

(iv) If the deceased is survived by an educated employed wife earning an amount almost equal to that of her husband and if each was maintaining a separate establishment, the question of "loss of dependency" may not arise. Each will be spending from his/her earning towards his living and personal expenses. Even if both pool their income and spend from the common income pool, the position will be the same. In such a case the amount spent for personal and living expenses by each spouse from his/her income will be comparatively higher, that is three-fourth of his/her income. Each would be saving only the balance, that is one fourth (which may be pooled or maintained separately). If the saving is taken as one-fourth (that is 25%), the loss to the estate would be Rs.2250/- per month or Rs.27000/- per annum, By adopting the multiplier of 14, the loss to estate will be Rs. 3,78,000/-.

Note : The position would be different if the husband and wife, were both earning, and living together under a common roof, sharing the expenses. As stated in *BURGESS v. FLORENCE NIGHTINGALE HOSPITAL* 1955(1) Q.B.349, "when a husband and wife, with separate incomes are living together and sharing their expenses, and in consequence of that fact, their joint living expenses are less than twice the expenses of each one living separately, then

each, by the fact of sharing, is conferring a benefit on the other". This results in a higher savings, say, one-third of the income; In addition each spouse loses the benefit of services rendered by the other in managing the household, which can be evaluated at say Rs.1,000/- per month or Rs.12,000/- per annum). In such a situation, the claimant (surviving spouse) will be entitled to compensation both under the head of loss of dependency (for loss of services rendered in managing the household) and loss to estate (savings to an extent of one-third of the income that is Rs.3,000/- per month or Rs. 36000/- per annum). Therefore, the loss of dependency would be $12000 \times 14 = 168,000/-$ and loss to estate would be $36000 \times 14 = 504,000/-$. In all Rs.6,72,000/- will be the compensation.

(Italics mine)

(v) * * *

Though the quantum of savings will vary from person to person, there is a need to standardise the quantum of savings for determining the loss to estate (where the claimants are not dependants) in the absence of specific evidence to the contrary. The quantum of savings can be taken as one-third of the income of the deceased where the spouses are having a common establishment and one-fourth where the spouses are having independent establishments. The above will apply where the family consists of non-dependant spouse/children/parents. Where the claimants are non-dependant brothers/sisters claiming on behalf of the estate, the savings can be taken as 15% of the income. The above percentages, one of course, subject to any specific evidence to the contrary led by the claimants."

9. In the case at hand, the respondent No.1 was earning a sum of Rs.12,100/- at the time of the accident, whereas his deceased wife was, as found by the Tribunal, earning a sum of Rs.13,313/- per month after deductions by way of salary at the time of the accident. There is no evidence to show that they were having separate establishment. If that is so, the quantum of savings for determining the loss to estate can be taken as one-third of the income of the deceased, that is, Rs.4,438/-, to which shall be added Rs.2,000/-, which is the loss of the benefit of services rendered by the deceased in managing the household. Under the circumstance, the surviving spouse, i.e., the respondent No. 1 will be entitled to compensation under the head of loss of services rendered in managing the household and loss of estate (savings to an extent of one-third of the income, i.e. Rs.4,438/- per month or Rs.53,255/- per annum. As the date of birth of the deceased was recorded as 11-1-1974, there can be no dispute that she was over 35 years and 4 months old at the time of the accident. In that case, the multiplier to be adopted, in terms of the *Sarla Verma v. DTC*, (2009) 6 SCC 121, will be 15. Therefore, the loss of services rendered would be Rs.2,000 per month or per year $Rs.2000 \times 12 = Rs.24,000$ per annum, which when multiplied by 15 becomes Rs.3,60,000/-. As for the loss of estate (savings to an extent of one-third of the income, that is, Rs.4438/- per month or $Rs.4438 \times 12 = Rs.53,256/-$ per annum, which when multiplied by 15, it works out to Rs.7,98840/-. Thus, the respondent No.1 is entitled to a compensation of

Rs.3,60,000 + Rs.7,98,840 = Rs.11,58,840/-. Since there is no evidence to show that the respondent No.2 is not dependent upon the respondent No.1, he is not entitled to independent compensation. The respondent No.1 will also be entitled to Rs.25,000/- for funeral expenses of the deceased. He will also be entitled to Rs.1,00,000/- for loss of consortium. The respondent No.2 will be entitled to Rs.1,00,000/- for loss of care and attention. Thus, the total amount of the compensation payable to the respondents is worked out to be Rs.13,83,840/- (Rupees twelve lakhs eighty-three thousand eight hundred and forty)only. He will further be entitled to interest @ 6% per annum with effect from the date of the claim petition.

10. The revision petition, therefore, partly succeeds. The petitioner shall now deposit a sum of Rs.13,83,840/- together with interest @ 6% per annum with effect from the date of the claim petition with the Registry within two months from the date of receipt of this judgment. The amount awarded by the Tribunal shall stand so reduced. The impugned judgment is thus modified to the extent indicated above.

11. As and when the amount is deposited, half of the compensation awarded together with the interest accrued thereon shall be released to the respondent No.1, while the remaining amount shall be kept in a fixed deposit with UCO Bank till the respondent No.2 attains majority. As for the share of the respondent No.1, the same may be released to him as and when so deposited after satisfying the usual formalities without further reference to this Court. Transmit the L.C. record.