(2010) 12 GUJ CK 0267

In the Gujarat High Court

Case No : First Appeal No. 214 of 2004

United India Insurance Co. Ltd. APPELLANT

Vs

Maniben Mohanbhai and Others RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Motor Vehicles Act, 1988 — Section 140, 163A

Citation : (2010) 12 GUJ CK 0267

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : Megha Jani, for the Appellant; Amar D. Mithani, for the Respondent

Judgement

K.S. Jhaveri, J.—This appeal has been filed challenging the judgment and award passed u/s 140 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal (Aux.), Veraval in Claim Misc. Application No. 199/2002 dated 19.09.2003, whereby, the said application was allowed and an amount of Rs. 50,000/-was awarded as compensation to the original claimants along with interest @ 9.0% p.a. from the date of application till its realization.

2. The facts in brief are that Mohanbhai Sidibhai, husband of Respondent No. 1 herein, sustained serious bodily injuries in a vehicular accident which occurred on 13.04.2001. On the same day, Mohanbhai Sidibhai succumbed to the injuries. Initially, the legal heirs of the deceased had filed an application u/s 163A of the said Act claiming compensation of Rs. 3,90,420/-. However, subsequently, it was converted into an application u/s 140 claiming interim compensation. The Tribunal, by way of the impugned award, allowed the said application. Being aggrieved by the same, the Appellant-Insurance Company has filed the present appeal.

3. Heard learned Counsel for the respective parties and perused the documents on record. The present appeal has been filed against an award passed u/s 140 of the Motor Vehicles Act. Considering the facts and circumstances of the case and

keeping in mind the interest of the original claimants, in my view, it would be appropriate that the main claim petition pending before the Tribunal concerned is disposed of expeditiously since any observations that may be made by this Court on the merits of the present case may prejudicially affect the interest of either party before the Tribunal concerned.

4. Accordingly, the Tribunal concerned is directed to dispose of the claim petition within a period of two years from today. The Tribunal concerned is directed to invest the amount deposited by the Appellant-Insurance Company with it in F.D.R. with a nationalized bank, initially, for a period of one year and the same shall be renewed till the final disposal of the claim petition pending before the Tribunal concerned. The quarterly interest accruing on such deposit shall be paid to the original claimants on regular basis, by way of Account Payee cheque, after proper verification.

5. It is made clear that if, ultimately, the claim petition is allowed and the Appellant-Insurance Company is held liable, then payment to the original claimants shall be made out of the aforesaid amount; lest it shall be returned to the Appellant-Insurance Company. Further, if the claim petition is withdrawn, the entire amount shall be returned to the Appellant-Insurance Company. It is made clear that this Court has not entered into the merits of the case and therefore, the Tribunal concerned shall decide the claim petition on merits and being uninfluenced by this order.

6. With the above observation and direction, the appeal stands disposed of. No costs.