
(1990) 01 P&H CK 0083
In the Punjab And Haryana At Chandigarh

United India Insurance Company Ltd.	APPELLANT
Vs	
Harbir Kaur	RESPONDENT

Date of Decision : 31-01-1990

Acts Referred:

Motor Vehicles Act, 1939 — Section 110A

Citation : (1990) 2 ACC 18

Hon'ble Judges : G.R. Majithia, J

Bench : Single Bench

Judgement

G.R. Majithia, J.—The respondents filed a claim petition u/s 110-A of the Motor Vehicles Act, 1939 claiming compensation. The Tribunal awarded compensation to the tune of Rs. 7,20,000/-.

2. The Insurance Company came up in appeal to this Court. It moved GM NO. 3652 CII of 1988 for staying the operation of the award. While admitting the F.A.O., the Bench ordered insurance of notice in C.M. No. 3652 CII of 1988 for stay of operation of the award. In this application, C.M No. 3813 CII of 1988 was moved for early fixation of CM No. 3652 C 11 of 1988. On August 25, 1988. H.S. Rai, J. passed the following order in C.M. 3813 CII of 1988:

Notice to the respondent for September, 12, 1988. The operation of execution is stayed till September 12, 1988 on the appellants' depositing Rs. 3,00,000/ If this amount is not deposited, then not stay qua execution. If the amount is deposited, stay qua the remaining amount.

3. Civil miscellaneous No. 3652 CII of 1988 again came up for hearing before Mr. Justice M.S. Liberhan, J. on 28.9.1988 after notice and P.2. The following order was passed:

Stay order 25th of August, 1988, is modified to the extent that the applicant shall be at liberty to withdraw the amount, if deposited, on furnishing security for the refund of the same to the satisfaction of the trial court which shall be accepted after notice to the appellants. The money be deposited within two

months.

The appellants then moved CII No. 389 CII of 1989 for staying the operation of the award, beyond Rs. 3 lacs. The application was finally disposed of by me on May 2, 1989 with the following directions:

The appellants are directed to deposit a sum of Rs. 4,00,000/- in the Court of Motor Accident Claims Tribunal. Out of this amount, Rs. 3,00,000/- has already been deposited. The remaining amount of Rs. 1,00,000/- will be deposited within one month from today. An amount of Rs. 3,00,000/- will be deposited by respondent No. 1 in the Fixed deposit in the name of Miss Mitika and Miss Sncha for a period of five years in the State Bank of Patiala, High Court Branch, Chandigarh. She will not be entitled to withdraw this amount till further orders. The remaining amount of Rs. 1,00,000/- can be utilized for the maintenance of the claimants. The Civil Misc. is disposed of accordingly.

It is not disputed that Smt. Harbir Kaur has been paid a sum of Rs. 1,00,000/-, and Rs. 3,00,000/- are lying in deposit in the names of Miss Mitika and Miss Sneha for a period of five years with the State Bank of Patiala, High Court Branch, Chandigarh. Smt. Harbir Kaur has moved this application for releasing the amount lying in deposit in the names of her minor children. She has stated in the application that funds are required for their maintenance and education. The sum of Rs. 1,00,000/- which was allowed to her has been utilized by her in discharging the debts which were incurred after the death of her husband. Mr. Tewari learned Counsel for the claimant has brought to my notice that a sum of Rs. 30,000/- has approximately accrued as interest on the fixed deposits. It will meet the ends of justice if the interest amount on the principal amount of Rs. 3,00,000/- lying in deposit in the names of the minor children is paid to Smt. Harbir Kaur to meet the financial requirements as stated in the application. Accordingly, I direct that out of the total amount lying in fixed deposits with the State Bank of Patiala, High Court Branch, Chandigarh in the names of minor children of the claimant be paid to heir within two weeks hence. The amount will be debited in equal shares in the accounts of the minors.