
(2013) 03 AHC CK 0062
In the Allahabad High Court
Case No : F.A.F.O. No. 561 of 2013

Uttaranchal Transport Corporation

APPELLANT

Vs

Smt. Prabha Devi and Another

RESPONDENT

Date of Decision : 14-03-2013

Acts Referred:

Citation : (2013) 2 AWC 1707

Hon'ble Judges : Rakesh Tiwari, J; Anil Kumar Sharma, J

Bench : Division Bench

Advocate : Rahul Anand Gaur, for the Appellant; V.C. Dixit, for the Respondent

Judgement

Rakesh Tiwari and Anil Kumar Sharma, JJ.—The instant F.A.F.O. arises out of the Judgment and order dated 7.11.2012, passed by the Motor Accident Claims Tribunal/Additional District Judge Court No. 2, Meerut in M.A.C.P. No. 1395 of 2010. Smt Prabha Devi and Smt. Kalawati who are wife and mother of the deceased respectively against Uttaranchal Transport Corporation. During proceedings before the Tribunal Smt. Kalwati died, this fact was also mentioned in the award by the Tribunal, but her legal representatives have not been substituted in the proceedings before the Tribunal. Now learned counsel for the appellant has moved application No. 78846 of 2013 praying for deletion of the name of Kalwati from the array of the parties. There is no legal representative/ legal heir of Smt. Kalawati, hence the counsel is permitted to correct the array of parties as Kalawati (now dead). Application No. 78846 of 2013 is allowed accordingly.

2. Heard learned counsel for the parties and perused the award.

3. Admit.

4. Issue notice to the respondents returnable at an early date. We direct that the operation of the impugned award dated 7.11.12, passed by the Motor Accident Claims Tribunal/Addl. District Judge, Court No. 2, Meerut in M.A.C.P. No. 1395 of 2010. Smt. Prabha Devi and another v. Divisional Manager, Uttaranchal Transport

Corporation, Dehradun shall remain stayed, provided the appellant deposits the entire amount as awarded by the Tribunal within a period of one month from today. On the deposit being made by the appellant the Tribunal shall disburse 40% of the said amount to the claimants/respondents as per the award without any security and 20% with security other than the cash or bank guarantee and the remaining 40% shall be invested in the fixed deposit scheme of a nationalized bank, yielding maximum interest which shall be subject to the decision of this Court in the appeal.

Office is directed to remit the statutory amount deposited by the appellant in this Court to the concerned Tribunal within three weeks.