

Rizwana and ors. Vs. Motor Accident Claims Tribunal/District Judge U.S. Nagar and ors.

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Court : Uttaranchal

Decided On : Mar-16-2004

Reported in : IV(2005)ACC192

Judge : Irshad Hussain, J.

Appellant : Rizwana and ors.

Respondent : Motor Accident Claims Tribunal/District Judge U.S. Nagar and ors.

Judgement :

Irshad Hussain, J.

1. This is an appeal under Section 173 of the Motor Vehicles Act, 1988 against the judgment and order dated 20.8.2003 passed by the Motor Accident Claims Tribunal/District Judge, Udham Singh Nagar in M.A.C.T. Case No. 188/2002.

2. Atique Ahmad deceased met with a motor vehicle accident and a claim petition was preferred by his heirs, the appellants. By aforesaid judgment and order the petition was allowed and the appellants were awarded compensation amounting to Rs. 1,72,000.00. Direction in regard to the disbursement of the said amount was also given and in view of it appellant No. 1, the widow was permitted to withdraw only a sum of Rs. 10,000.00 in cash whereas the remaining amount of

compensation was directed to be invested in fixed deposit scheme of a Bank. A sum of Rs. 25,000.00 each was directed to be invested in the fixed deposit scheme in favour of the minor children, the appellants Nos. 2 to 4 and whereas a sum of Rs. 50,000.00 was directed to be invested in favour of appellant No. 5, the father of the deceased.

3. Learned Counsel for the appellants argued that due to financial constraints the appellants are unable to maintain themselves and, therefore, the direction to release only a sum of Rs. 10,000.00 in cash to the appellant No. 1 was not justified. It was also argued that the appellants Nos. 2 to 4 are school-going children and day-to-day need of the life and other expenses cannot be met by the said meagre amount of Rs. 10,000.00 and the appellants are facing considerable hardship in satisfying their daily necessities and requirements to sustain their life.

4. Having considered these aspects of the matter and also that the deceased was the bread earner of the family, investment of large amount of compensation money in fixed deposit will, therefore, leave the appellants in lurch. Therefore, the submissions of the learned Counsel for the appellants have force and the conditions imposed by the learned Tribunal cannot be said to be practicable and reasonable. The appeal, therefore, has force and suitable modification in regard to the disbursement of the compensation money need to be made so that the appellants may have benefit of the relief granted to them and they may sustain themselves reasonably and the future of the minor children may also be safeguarded by way of proper nourishment and education.

5. The appeal is accordingly partly allowed. The directions in regard to the disbursement of the compensation amount are altered. Out of the compensation amount of Rs.1,72,000-00, the appellant No. 1 Smt. Rizwana and appellant No. 5 Mr. Saddique shall be paid Rs. 25,000.00 (twenty-five thousand) each in cash and they are permitted to withdraw the said amount from the Tribunal concerned, which shall readjust the deposit scheme of the remaining amount of compensation with the Bank. A sum of Rs. 25,000.00 (twenty-five thousand) each shall remain invested in the fixed deposit scheme of the Bank in favour of the minor appellant Nos. 2 to 4. A sum of Rs. 25,000.00 (twenty-five thousand) thus shall also remain

invested in the fixed deposit scheme in favour of the appellant No. 5 Mr. Saddique and the remaining amount of the compensation shall be invested in the fixed deposit scheme in favour of appellant No. 1 Mrs. Rizwana.

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