

Durga Devi Vs. Motor Accident Claims Tribunal (Sh.R.P. Bhasin)

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Court : Punjab and Haryana

Decided On : Jul-31-1996

Reported in : 1997ACJ445; (1996)117PLR781

Judge : M.L. Koul, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 168

Appeal No. : C.R. No. 3088 of 1996

Appellant : Durga Devi

Respondent : Motor Accident Claims Tribunal (Sh.R.P. Bhasin)

Advocate for Pet/Ap. : P.S. Rana, Adv.

Judgement :
ORDER

M.L. Koul, J.

1. There is no inter se dispute between the parties regarding which this revision petition has been preferred by Smt. Durga Devi petitioner, who in nut shell has contended that the Motor Accident Claims Tribunal passed an award in favour of her father-in-law, herself and her three minor children in the amount of Rs. 2,68,800/- and the apportionment was ordered to be made as per the award, whereby a sum of Rs. 10,000/- was ordered to be paid to Ghisa Ram father-in-law

of the petitioner and the remaining amount of Rs. 2,58,800/- along with entire interest was ordered to be equally apportioned between claimant Nos. 1 to 4 i.e. the present petitioner and her three minor children namely Inderjit, Ajay Kumar and Pooja. The amount of the shares of the minors on realisation was ordered to be deposited in some Nationalised Bank by way of fixed deposits fetching highest rate of interest and they were entitled to receive the same on their attaining majority with the permission of the Court. The Bank authorities was further directed that it shall not advance any loan etc. against the amount of FDRs of the minors.

2. On execution of the award, the Tribunal allowed the father-in-law of the petitioner to draw his amount of Rs. 10,000/- and the position with regard to the minors remained the same. An amount of Rs. 20,000/- was ordered to be paid to the petitioner out of her share and the rest of the compensation amount was ordered to be deposited in the State Bank of India for a period of three years by way of fixed deposit in her name in some highest interest bearing scheme and she was entitled to quarterly interest on the said amount.

3. This order appears to be palpably wrong. As the petitioner is a major, it was her choice either to deposit the money in the bank or receive it in hand. The Court's domain without the consent of the petitioner in ordering her part of share of the compensation to be deposited in the Bank is illegal and no duty is cast upon the Tribunal to direct the people to deposit the money in a particular Bank. Many a times it has been observed that the Tribunals while awarding compensation to the claimants direct the amount to be deposited in the Banks even in cases of major claimants. This practice adopted by the Courts should be done away for it creates problems for the claimants who have to run to this Court for relief.

4. The petitioner in her sworn affidavit has stated that an appeal preferred by the Insurance Company has been dismissed but there is an appeal preferred by the claimants with regard to the enhancement of compensation which stands admitted. The admission of the appeal preferred by the petitioner shall not in any manner affect the disposal of this revision petition. Hence the revision petition is disposed of in limine with a direction to the executing Court that it shall pay the

entire amount to the petitioner which is due to her as per the award at once, in case there is no stay from any Court of law.

Revision petition disposed of.

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