

IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC.APP.No.682/2005

Date of decision: 13th January, 2010

UOI

..... Appellant

Through : None.

versus

NANISIRI

..... Respondent

Through : Mr. Kanwal Choudhary, amicus
curiae.

CORAM :-

THE HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (Oral)

1. Vide order dated 6th October, 2004, the learned Tribunal awarded a sum of Rs.5,04,600/- to claimants/respondents No.1 to 5 against which the appellant has filed this appeal.
2. On 28th November, 2005, the appellant submitted before this Court that the entire award amount along with interest amounting to Rs.9,99,312/- has been deposited with the learned Tribunal whereupon

this Court directed 50% of the award amount be released to claimants/respondents No.1 to 5 in the proportion mentioned in the award. It was further directed that proportionate amount be kept in fixed deposit in terms of the award out of the amount directed to be released.

3. In pursuance to the above order, 50% amount was released to the claimants and the balance 50% amount is with the learned Tribunal and, therefore, vide order dated 18th December, 2009, the Tribunal was directed to give the particulars of the amount lying with it.

4. The learned Tribunal has sent a report stating that the present Nazir has no cheques qua the present case. It is further submitted that the present Nazir has not received any record from the previous Nazir and the learned Tribunal has issued a notice to the previous Nazir.

5. The report reveals that the record of the Nazir has not been properly maintained and the previous Nazir has not handed over the record to the present Nazir.

6. This is a serious matter and, therefore, the learned Principal

District and Sessions Judge is directed to examine the manner in which the record is being maintained by the Nazir and appropriate action be taken for loss of record of this case. The record of the Nazir be traced out and the report be submitted to this Court within three weeks.

7. It has been brought to the notice of this Court that after the deposit of cheques by the Insurance Companies with the Claims Tribunal, no intimation is given to the claimants and in many cases, by the time, the claimant gets the information of deposit of the cheque, the cheque has already expired. It is stated that in many cases, the cheques have also been lost like in the present case. This problem can be resolved by directing the Insurance Companies to directly deposit the award amount with the bank with the direction to the bank to keep specified amount in fixed deposit in terms of the award and release the balance amount by transferring the same to the Saving Bank Account of the victim/claimant. All the Motor Accident Claims Tribunals are, therefore, directed to henceforth direct the Insurance Companies to directly deposit the award amount in the bank within 30 days with

further directions as to the disbursement of the same in terms of the award and the case be kept pending till the compliance is placed on record. The directions given by this Court for deposit and disbursement of the award amount have been reaffirmed by the Hon'ble Supreme Court in the order dated 17th December, 2009 in SLP(C) No.11801-11804/2005 which is reproduced hereunder:-

"18. To protect and preserve the compensation amount awarded to the families of the deceased victim special schemes may be considered by the insurance companies in consultation with the Life Insurance Corporation of India, State Bank of India or any other Nationalized Banks. One proposal is for formulation of a scheme in consultation with Nationalized Banks under which the compensation is kept in fixed deposit for an appropriate period and interest is paid by the Bank monthly to the claimants without any need for claimants having to approach either the Court or their counsel or the Bank for that purpose. The scheme should ensure that the amount of compensation is utilized only for the benefit of the injured claimants or in case of death, for the benefit of the dependent family. We extract below the particulars of a special Scheme offered by a nationalized Bank at the instance of the Delhi High Court :

(i) The fixed deposit shall be automatically

renewed till the period prescribed by the Court.

- (ii) The interest on the fixed deposit shall be paid monthly.
- (iii) The monthly interest shall be credited automatically in the saving account of the claimant.
- (iv) Original fixed deposit receipt shall be retained by the Bank in safe custody. However, the original pass book shall be given to the claimant along with the photocopy of the FDR.
- (v) The original fixed deposit receipt shall be handed over to the claimant at the end of the fixed deposit period.
- (vi) Photo identity card shall be issued to the claimant and the withdrawal shall be permitted only after due verification by the Bank of the identity card of the claimant.
- (vii) No cheque book shall be issued to the claimant without permission of the Court.
- (viii) No loan, advance or withdrawal shall be allowed on the fixed deposit without permission of the Court.
- (ix) The claimant can operated the saving bank account from the nearest branch of UCO Bank on the request of the claimant, the bank shall provide the said facility."

8. The State Bank of India and UCO Bank have formulated special schemes for the victims of the road accident on the above terms and, therefore, the order for the deposit should be made presently to State Bank of India through its nodal officer Mr. H.S. Rawat, Relationship Manager, Tis Hazari Branch, Tis Hazari (Mb: 09717044322) or to UCO Bank through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) as per the convenience of the victim/legal representatives of the victim. However, if any other bank agrees to provide the special scheme for victims of the road accident on the above terms, the deposit be permitted to be made in that Bank subject to the convenience of the victim/legal representative of the victim of the road accident.

9. All the Claims Tribunals are directed to comply with the aforesaid directions.

10. List on 17th February, 2010.

11. Copy of this order along with the copy of the order dated 17th December, 2009 passed by the Hon'ble Supreme Court be sent to the

Principal District and Sessions Judge and all the Claims Tribunals through the Registrar (Appellate) of this Court.

12. Copy of this order be given 'Dasti' to learned amicus curiae and nominated counsels for all the Insurance companies.

J.R. MIDHA, J

JANUARY 13, 2010