

IN THE HIGH COURT OF DELHI AT NEW DELHI

MAC.APP. 157/2009

Date of Decision : MAY 29, 2009

THE NEW INDIA ASSURANCE CO. LTD. .... Appellant

Through : Mr. Kanwal Choudhary, Adv.

versus

GEETA DEVI & ORS. .... Respondents

Through : Mr. Sameer Nandwani, Adv.  
for R-1 to 6.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

1. The total amount awarded to the claimants is Rs. 9,40,000/- along with interest @ 6% per annum from the date of filing of the petition before the learned Tribunal. The claim petition was instituted on 3<sup>rd</sup> June, 2006 and the interest on the award amount of Rs.9,40,000/- from the date of filing of the petition i.e. 3<sup>rd</sup> June, 2006 calculated upto 2<sup>nd</sup> July, 2009 would be to the tune of Rs.1,73,900/-. The total award amount

along with interest would depend upon the date of deposit of the award amount. However, taking the date of deposit as 2<sup>nd</sup> July, 2009, the total award amount along with interest would be Rs.11,13,900/-. The share of the respondents in the said amount shall be as under:-

Claimants/respondents No.2 to 6	-	Rs.1,00,000/- each.
Claimant/respondent No.1	-	Remaining amount

2. The appellant is directed to deposit a cheque for Rs.9,50,000/- directly with the UCO Bank, A/c Geeta Devi, Delhi High Court Branch, New Delhi. The remaining amount be paid to claimant/respondent No.1 by means of a cheque on the next date of hearing i.e. 8<sup>th</sup> July, 2009.

3. UCO Bank has agreed to open a Special Fixed Deposit Account for the victims of road accidents.

4. The aforesaid amount of Rs.9,50,000/- shall be kept by the UCO Bank in the fixed deposit in the following manner:-

- (i) Rs.4,50,000/- in the name of the claimant/respondent No.1, Geeta Devi (widow) aged about 31 years initially for a period of ten years, to be renewed for a further period of ten years.
- (ii) Rs.1,00,000/- in the joint names of Geeta Devi and Master Roshan (son) aged about 16 years for a period of 4 years.
- (iii) Rs.1,00,000/- in the joint names of Geeta Devi and Baby Nisha (daughter) aged about 13 years for a period of 7 years.
- (iv) Rs.1,00,000/- in the joint names of Geeta Devi and Master Gaurav (son) aged about 9 years for a period of 11 years.
- (v) Rs.1,00,000/- in the joint names of Geeta Devi and Baby Pooja (daughter) aged about 7 years for a period of 10 years, to be renewed for a further period of three years.

(vi) Rs.1,00,000/- in the joint names of Geeta Devi and Master Sumeet (son) aged about 5 years for a period of 10 years, to be renewed for a further period of five years.

5. The UCO Bank shall open a Savings Account in the name of claimant/respondent No.1 and the entire interest on all the aforesaid fixed deposits be credited in the said account.

6. The interest on the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the Savings Account.

7. Withdrawal from the aforesaid account shall be permitted to the claimant/respondent No.1 after due verification and the Bank shall issue photo Identity Card to claimant/respondent No.1 to facilitate identity.

8. No cheque book be issued to the claimants/respondent No.1 without the permission of this Court.

9. Half yearly statement of account be filed by the Bank in this Court.

10. The original FDRs shall be retained by the Bank in the safe custody.

However, the original Pass Book shall be given to claimant/respondent no.1 along with the photocopy of the FDRs.

11. The original Fixed Deposit Receipts shall be handed over to the claimants at the end of the fixed deposit period.

12. No loan, advance or withdrawal shall be allowed on the said FDRs without the permission of this Court.

13. On the request of the claimants, the Bank shall transfer the Savings Account to any other branch of UCO Bank in Delhi according to the convenience of the claimants.

14. List for reporting the compliance on 8<sup>th</sup> July, 2009.

15. Copy of the order be given dasti to counsel for both the parties under the signatures of the Court Master.

J.R. MIDHA, J

MAY 29, 2009