

Motor Accident Claim Tribunal Jhansi

Misc. Case No. 201 of 2020 (MACP No. 470 of 2012)
Smt Shakuntla & ors. Vs. Suresh Chandra Mishra
31.03.2021

The case presented before the Tribunal. Applicants with their counsel appeared on previous date.

Heard and perused the record of MACP No. 470 of 2012 which transpires that on the basis of merit, compensation of ₹6,74,800 was awarded by MACT Jhansi in favor of the applicants/petitioners on date 29.10.2018. As per office report awarded amount and interest ₹10,21,085 thereon have been transferred by the Insurance Company in the Tribunal's bank account of PNB through Cheque No. 267205 dated 08.10.2020. This Misc. case has been instituted by the applicants to release the deposited amount and interest thereon in terms of the award.

In support of release application 3B the affidavit 4C2 is available on the record. As per affidavit appeal was preferred and following order was passed in FAFO No. 4593 of 2018-

'Execution of the award in pursuance of judgment and award dated dated 29.10.2018 passed by the Motor Accident Claims Tribunal/ 9th Additional District Judge, Jhansi, in M.A.C.P. No. 470 of 2012, shall remain stayed provided that appellant/ defendant deposit 50% of the awarded amount in cash and adequate security for remaining 50% other than cash or Bank Guarantee in the Court below within thirty days from today. On such deposit, subject to final decision of this appeal, the whole amount deposited in cash shall be released in favour of claimants-respondents without furnishing any security.

It is made clear that in case of default in making aforesaid, this interim order shall stand automatically discharged without further reference to this Court.

Order Date :- 3.1.2019'

Insurance Company filed modification application in which following order has been passed-

'Civil Misc. Modification Application No. 2 of 2019

In view of the averments contained in this modification application no substance is made out partly for the reason that the entire award impugned dated 29.10.2018 is under challenge and the order dated 3.1.2019 is as specific as anything that need no modification for the time being as the order is subject to the final outcome of the appeal.

Consequently, the modification application lacks merit and is dismissed.'

Since time extension application has been dismissed by the Hon'ble High Court and stay order dated 3.1.2019 is not in operation, hence I am of the view that applicants are entitled to get deposited amount in terms of the award in their bank accounts. Hence-

ORDER								
PNB is ordered to disburse according to following sheet-								
Applicant/Petitioner	Distributed Amount in ₹	Share	Annuity/ Cash	+(% of) Interest Accrued on Deposited Amount	Mode of Disbursement	Bank Account Number	Bank	IFS Code
1. Shakuntala	255271	50	50	25	Annuity for 3 Years		Any Nationalized Bank	
1. Shakuntala	255271		50	25	Electronic Mode	92352010011203	Canara Bank/Syndicate Bank, Govind Chauraha, Jhansi.	SYNB0009235
2. Kum Sapna	102109	10	100	10	Electronic Mode	3169001500183654	PNB Sakrar, Jhansi.	PUNB0316900
3. Mr Satendra Kumar	102109	10	100	10	Electronic Mode	270000100283457	PNB Bangra, Jhansi	PUNB0127000
4. Miss Shivani Ahirvar	102109	10	100	10	Electronic Mode	3169001500206186	PNB Sakrar, Jhansi.	PUNB0316900
5. Shyam Lal	51054	10	50	5	Annuity for 3 Years			
5. Shyam Lal	51054		50	5	Electronic Mode	1302200014957	Zila Sahkari Bank Ltd. Jhansi	ICIC00ZSBLJ
6. Mrs Rajadevi Shyamlal	51054	10	50	5	Annuity for 3 Years		Any Nationalized Bank	
6. Mrs Rajadevi Shyamlal	51054		50	5	Electronic Mode	1270000100326202	PNB Bangra, Jhansi.	PUNB0127000
TOTAL	1021085	100		100				
							Presiding Officer	
Date: 31.03.2021							Motor Accident Claim Tribunal Jhansi	