

03.12.2020

Disposal of application 35C2

The insurance company has prayed for the recovery of the amount released to the claimants and transfer it to the account of the insurance company with the remaining amount available with the tribunal as Hon'ble Supreme Court has stayed the release order passed by the Hon'ble High Court of Judicature at Allahabad in FAFO No. 3395 of 2019.

Heard the counsels of both sides and perused the record.

On perusal of record, it transpires that Insurance Company has deposited Rs. 2,07,06,310 in compliance of the order passed in FAFO No. 3395 of 2019. Relevant portion of the order is as following-

"6. Execution of award shall remain stayed provided entire awarded amount is deposited in the Court below within one month. On such deposit, 50 per cent shall be released in terms of award without furnishing any security and remaining 50 per cent shall be released after furnishing adequate security to the satisfaction of Court below, in favour of claimant(s)-respondent(s), but the same shall be subject to result of this appeal. The amount already deposited at the time of filing this appeal shall be remitted forthwith to Court below.

7. Record shall be remitted to this Court after disposal of matter with regard to release of amount under this order."

This tribunal has released 50 per cent in terms of award without furnishing any security and remaining 50 per cent is available with the Tribunal.

Now Insurance Company has obtained an order from Honourable Supreme Court against above mentioned order in ~~FAFO No. 3395 of 2019~~ as following-

"Issue Notice.

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There shall be stay of the impugned order, in the meanwhile."

In the above peculiar circumstances, I am of the considered view that as long as award and order passed in FAFO No. 3395 of 2019 remains alive, mere stay without specific order of recovery is not sufficient to accept prayer of the insurance company. However, in order to get maximum interest on the balance amount available with Tribunal, Punjab National Bank Jhokan Bagh Jhansi is directed to fix deposit the amount of MACP No. 308 of 2017 Smt. Rashmi Singh & ors. v. Santosh Kumar & ors. for 6 months and carry on renewal for the same term till further orders. Accordingly application 35C2 is disposed of.

Corrected vide Order dated 07.12.2020.

PO, MACT, Jhansi.

Presiding Officer
Motor Accident Claim Tribunal, Jhansi