

Misc. Case No. 542 of 2019 Smt. Shyama Devi and ors. Vs. Naresh Singh and ors. related MACP No. 368 of 2004

30.07.2020

The case has been presented before the Tribunal in Virtual Court. Due to the increasing prevalence of COVID-19, Ld. Counsel for applicants has been heard through video conferencing. The applicants Neelam, Tanishk, Tanuj and Ramwati were also present on video conference held on the date 16.07.2020.

Perused the application and summoned record of the MACP No. 368 of 2004 which makes it clear that on the basis of merit, a compensation of Rs. 6,68,725 with 6% annual interest was awarded by MACT/ADJ (Court No. 2) Jhansi in favour of applicants on date 06.02.2006. Thereafter, on appeal it was ordered that 50% of the compensation amount shall be released and 50% shall be fixed deposited. In pursuance of above order the Petitioners had received 50% amount and FD had been prepared for the remaining amount. Later on, parties arrived at settlement before Hon'ble High Court and Hon'ble High Court has passed following order in FAFO 3253 of 2019 on 29.04.2019–

*"2– That the parties have agreed upon settlement of this FAFO on the following terms and conditions:–*

- i) The respondent Nos. 1 to 3 shall be entitled to get Rs. 75% of the amount kept in FDR alongwith proportionate interest and remaining 25% of the amount kept in FDR along with proportionate interest shall be refunded to the appellant i.e. the Oriental Insurance Company Ltd.*
- ii) In pursuance of stay order dated 15.05.2006 entire amount of award has been deposited by the appellant. 50% of the deposited amount has been paid to the claimants and remaining 50% has been kept in FDR.*
- iii) FAFO No. 1879 of 2017 filed by the claimants–respondents No. 1 to 3, for enhancement, shall be deemed to be dismissed as not pressed.*
- iv) This compromise has no concern with the amount already paid to the claimants.*
- v) Amount of Rs.25000/– deposited along with appeal shall be remitted to the Tribunal for payment to the concerned parties.*

This Misc. case has been instituted by the applicants/petitioners in order to get the FD amount and interest thereon plus remitted amount Rs. 25000 in their accounts in terms of the settlement.

The affidavit of applicant Smt. Shyama Devi in support of release application is available on the record of the Misc. case.

As per Punjab National Bank report, the amount Rs. **9,26,632** is available in the MACT 368 of 2004. As per award, Petitioners have to get equal shares.

In the light of above, I am of the view that deposited amount should be disbursed accordingly.

### ORDER

Punjab National Bank Jhokan Bagh Jhansi is ordered to disburse deposited amount of **MACP No. 368 of 2004 Smt. Shyama Devi and ors. Vs. Naresh Singh and ors.** according to the following sheet—

Applicant/ Petitioner	Ammount in Rs.	+ (% of) Interest Accrued on Deposited Amount	Mode of disbursem ent	Bank Account Number	Bank	IFSC
1. Smt. Shayama Devi	231658	25	RTGS/NEFT	11738820967	State Bank of India	SBIN0009 283
2. Yadunath Singh	231658	25	RTGS/NEFT	367300010822 5207	Punjab National Bank	PUNB036 7300
3. Karnveer Singh	231658	25	RTGS/NEFT	367300010824 4576	Punjab National Bank	PUNB036 7300
Oriental Insurance Company	231658	25	Keep the amount in Bank till further orders.	----- ----- ----- ----- -----	----- ----- ----- ----- -----	----- ----- ----- ----- -----
<b>TOTAL</b>	<b>926632</b>	<b>100</b>				

(Presiding Officer)

MACT, JHANSI

**10.08.2020**

The Oriental Insurance Company has applied through its Sr. Divl. Manager for the release of remitted amount as per Hon'ble High Court of judicature at Allahabad order dated 29.04.2019.

Having heard counsel for The Oriental Insurance Company Sri. S.N. Kanchanand counsel for the applicants Sri. Indrapal Singh on video conference, it is ordered to Punjab National Bank Jhhokan Bagh Jhansi to transfer remaining amount Rs. 231658 of above order dated **30.07.2020** as following—

Oriental Insurance Company	231658	25	RTGS/NEFT	1410400472	Central Bank of India, GWAKAN Gwalior Road Jhansi	CBIN028121 6
----------------------------------	--------	----	-----------	------------	--	-----------------

It is also ordered that if PNB feels any inconvenience, it may consult Reader/ Accountant of the Tribunal. Order be complied within 3 days. Fail not.

(Presiding Officer)

MACT, JHANSI

**18.09.2020**

Senior Manager Punjab National Bank refuting his previous report has informed through his letter dated 17.09.2020 that total deposited amount in this case is as following–

FDR No. 3671000101113729 Rs. 814128/–

MACT sub account No. 3671000101113729 Rs. Principle Amount 25000 + Interest 15721= 40721/–

Counsel for the petitioners/applicants has no objection on aforesaid letter dated 17.09.2020 which mentions total amount available Rs. **8,54,849**. Accordingly canceling the operative portions of previous orders dated 30.07.2020 and 10.08.2020 following order is being passed afresh –

**ORDER**

Punjab National Bank Jhokan Bagh Jhansi is ordered to disburse deposited amount of **MACP No. 368 of 2004 Smt. Shyama Devi and ors. Vs. Naresh Singh and ors.** according to the following sheet–

Applicant/ Petitioner	Ammount in Rs.	+ (% of) Interest Accrued on Deposited Amount	Mode of disbursem ent	Bank Account Number	Bank	IFSC
1. Smt. Shayama Devi	213713	25	RTGS/ NEFT	1173882096 7	State Bank of India	SBIN0009 283
2. Yadunath Singh	213712	25	RTGS/ NEFT	3673000108 225207	Punjab National Bank	PUNB036 7300
3. Karnveer Singh	213712	25	RTGS/ NEFT	3673000108 244576	Punjab National Bank	PUNB036 7300
Oriental Insurance Company	213712	25	RTGS/ NEFT	1410400472	Central Bank of India, GWAKAN Gwalior Road Jhansi	CBIN0281 216
<b>TOTAL</b>	<b>854849</b>	100				

(Presiding Officer)

MACT, JHANSI