

Motor Accident Claim Tribunal, Jhansi

Misc. No.- 72 of 2020 and 13/2014 (MACP No. 211 of 2012)

Smt. Shyam Bai v. Smt. Rasoolan Begam and ors.

16.10.2020

These Misc. Applications have been filed by the claimant Smt. Shyam Bai and OP No. 2 United India Insurance Co. Ltd. for release of money in their bank accounts as per order dated 10.02.2020 of the Hon'ble High Court of Judicature at Allahabad in FAFO No. 2386 of 2017 United India Insurance Co. Ltd. v. Smt. Shyam Bai in which compensation amount ₹ 5,44,639 has been confirmed but rate of interest has been reduced from 12.20% to 7%. Insurance Co. has claimed ₹ 1,58,288 while claimant has claimed whole amount of FDR.

Insurance Co. has stated that in order to satisfy award following amounts were deposited-

1. ₹ 25,000 in litigation before Hon'ble High Court
2. ₹ 25,000 in further litigation before Hon'ble High Court
3. ₹ 7,78,336 before this Tribunal and
4. ₹ 70,924 as TDS in income tax department

} Total ₹ 8,28,336

Claimant has admitted that out of above amount she has received ₹ 3,89,168 (i.e. half of ₹ 7,78,336) + 25,000 (i.e. deposited before Hon'ble High Court).

As per office report ₹ 3,89,168 (i.e. remaining half of ₹ 7,78,336) are deposited in the form of FD in MACP No. 211 of 2012 in PNB.

After calculation of reduced interest rate, I am of the view that Insurance Co. has right to get ₹ 95,920 plus ₹ 25,000 deposited before Hon'ble High Court and Claimant has right to get remaining amount of FDR. Insurance Co. may resettle TDS with income tax department and pursue for ₹ 25,000 deposited before Hon'ble High Court.

ORDER

Punjab National Bank Jhokan Bagh Jhansi is ordered to release amount of FD (A/c. No. 367100PU00050696 Dated 19.09.2017) as per following sheet-

Applicant/ petitioner	Amount in Rs.	+(%of) Interest Accrued on FDR	Mode of Disbursement	Bank Account Number	Bank	IFSC Code
Smt Shyam Bai	293248	75.35	Elect. Mode RTGS/NEFT	20409719 400	State Bank of India ORCHHA PRATAPPU RA	SBIN0001 942
United India Insurance co.LTD	95920	24.65	Elect. Mode RTGS/NEFT	20099909 52100822 00	INDUSIND BANK Chennai	Location Branch Chennai
Total	389168	100				

(Chandroday Kumar)
PO, MACT, Jhansi