

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

ORDER

The Oriental Insurance Co. Ltd. Vs. Vaheeda Begum & Another
(S.B. Civil Miscellaneous Application No.68/2014)

Date of Order:

June 30, 2014.

PRESENT

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Lokesh Sharma, for the applicants.

BY THE COURT:

The matter comes up on an application under Section 151 CPC filed by the claimants with the prayer that the amount awarded by the Motor Accident Claims Tribunal, Bandikui District Dausa (hereinafter 'the Tribunal') under its order dated 8-10-2003, presently part deposited as fixed deposits with the UCO Bank, Chandpole Bazar, Jaipur (hereinafter 'the Bank') in their name be disbursed to the claimants.

Heard learned counsel for the claimants and perused the material available on record.

Mr. Lokesh Sharma, learned counsel for the claimants submits that vide award dated 8-10-2003 the learned MACT awarded compensation of Rs.2,44,056/- along with interest at the rate of 9% per annum from 19-12-1988 till date of payment in favour of the claimants. The award dated

8-10-2003 was challenged, both by the claimants and the insurance company. The appeal filed by the insurance company was numbered as S.B. Civil Miscellaneous Appeal No.6/2004, and that of the claimants seeking enhancement of the compensation was numbered as S.B. Civil Miscellaneous Appeal No.255/2003.

It was pointed out by counsel that both the appeals aforesaid were dismissed by this court vide order dated 29-2-2012, consequent to which the award dated 8-10-2003 passed by the Tribunal has attained finality. It was submitted that out of the amount payable to claimants under the award dated 8-10-2003 only a sum of Rs.1 lac was deposited in claimants' saving bank account and the remaining amount of the award dated 8-10-2003 was deposited with UCO Bank in FDRs favouring the claimants. It was submitted that presently the aforesaid FDRs have completed their term and yet are not being disbursed to the claimants. Learned counsel for the claimants submits that reasons for not disbursing the amount of FDRs in issue to the claimants appears to be interim order dated 6-1-2004, passed in S.B. Civil Miscellaneous Appeal No.6/2004 as confirmed vide order dated 3-8-2004, whereunder 50% of the award amount was to be retained in FDRs and was to be disbursed to the claimants only subsequent to orders passed by this court. Counsel submitted that the interim order dated 6-1-2004, as confirmed vide order dated 3-8-2004, stands vacated with the dismissal of both the appeals No.6/2004 and 255/2003 vide order dated 29-2-2012. It was submitted that in this view of the matter a

direction be issued to the Bank to disburse the award amount to the claimants as deposited in various FDRs relevant to the case.

Heard. Considered.

It is trite that interim order/s in any proceeding before the court abides by the final order in the said proceeding. Admittedly the two appeals filed by the insurance company (6/2004) and the claimants (255/2003) against MACT's award dated 8-10-2003 have been dismissed by this court vide order dated 29-2-2012. Consequently, the interim order dated 6-1-2004, passed in S.B. Civil Miscellaneous Appeal No.6/2004 as confirmed vide order dated 3-8-2004 would stand vacated.

That being the position, in my considered opinion, the award dated 8-10-2003 passed by the Tribunal in claim case No.18/2002 (20/1989) would be final and operative and disbursement should be made accordingly to the claimants by the UCO Bank, Chandpole Bazar, Jaipur, with whom part amounts are stated to be in FDRs. It is made clear that the disbursement shall be made only in accordance with the directions of the Motor Accident Claims Tribunal Bandikui, District Dausa in claim case No.18/2002 (20/1989). It is accordingly directed.

Application stands disposed of accordingly.

(Alok Sharma), J.

All corrections made in the order have been incorporated in the order being emailed.

Arun Kumar Sharma, Private Secretary.

RAJASTHAN HIGH COURT



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