

**HIGH COURT OF TRIPURA
AGARTALA**

**IA No.4 of 2021
in MAC App.08 of 2013(D/O)**

B E F O R E

HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY

For Petitioner(s) : Mr. N.Chowdhury, Adv.

For Respondent(s) : Mr. K.C.Bhattacharjee, Adv.

O R D E R

30.07.2021

[1] By means of filing this Interlocutory Application, petitioner Smt. Pramila Devi prayed for removal of arithmetical errors appearing in the order dated 04.06.2021 passed by this court in IA 1 of 2021 arising out of MAC App.No.8 of 20013(D/O). Said order reads as under:

“[1] This is an application moved by Smt. Pramila Devi, one of the claimant appellants in MAC App. No. 08 of 2013 (D/O) who was awarded compensation for death of her husband namely Jai Kanwar in a road traffic accident. She filed claim of compensation for herself and her minor son Mohit Kanwar at the Motor Accident Claims Tribunal (Court No. 1), West Tripura, Agartala.

[2] The award passed by the tribunal was challenged before this court in appeal and this court vide judgment & order dated 13.06.2016 directed as follows:

“6. The appeal is partly allowed. The appellant-insurer shall now deposit Rs. 26,75,688/- (Rupees Twenty six lakhs seventy five thousand six hundred eighty eight) with interest @ 6% per annum from the date of the claim petition i.e.

01.08.2009 with the Registry of this Court within 45 days from today for payment to the claimant-respondents, failing which the rate of interest payable shall stand enhanced to 9% per annum from the date of claim petition till payment is fully made. Out of the aforesaid amount of compensation, Rs.10,000/- shall be paid to the claimant No.1, Smt. Pramila Devi for loss of consortium. The claimant Nos.1 and 2 shall be entitled to 40% each while the mother of the deceased, Smt. Sabitri Devi, will receive 20% of the compensation, i.e. after deducting Rs.10,000/- for payment to the claimant No. 1 for loss of consortium. 7. It is further ordered that from the 40% share of the claimant respondent No.1, 40% shall be kept in a fixed deposit scheme in her name in any nationalized bank for a period of 5 years, which shall not be withdrawn without the prior permission of the Tribunal. The entire share of the minor respondent No.2 i.e., 40% of the compensation, shall also be kept in a fixed deposit scheme in his name in any nationalized bank till the time he attains majority. Out of the share of the mother of the deceased, 50% shall be kept in a fixed deposit scheme in her name in any nationalized bank for a period of 5 years. This amount shall not be withdrawn without prior permission of the Tribunal. The respondent No.1 shall be at liberty to withdraw the monthly interest thereon from the account of the claimant No. 2 and utilize the same for the welfare of the minor son. The respondent No.1 and mother of the deceased shall also be at liberty to withdraw the monthly interest from their fixed deposit amount for their expenses. The impugned judgment and award, therefore, stands modified in the manner and to the extent indicated above. The appellant insurer shall deposit the entire compensation amount and the interest due with this Registry.”

[3] Smt. Pramila Devi, wife of the deceased has sworn the affidavit for herself and for and on behalf of her son Mohit Kanwar who is stated to be a minor.

[4] The judgment of this court in MAC App. No. 08 of 2013 (D/O) has clearly stated in paragraph 7 of the judgment that compensation awarded to the minor son shall be kept in fixed deposit till the time he attains majority. Therefore, his share of the compensation shall not be released until he attains majority. If the fixed deposit matures before he attains majority the

same shall be reinvested in his name till he attains majority.

[5] Share of the wife as per the said judgment of this court be released by transferring the same to her bank account. The details thereof along with authenticated copy of the first page of her individual passbook be filed in the concerned MACT within 2 (two) weeks from today for the purpose of transferring her share to her account.

[6] In terms of the above, the I.A is disposed of. Communicate a copy of this order to the Motor Accident Claims Tribunal (Court No. 1), West Tripura, Agartala for compliance.”

[2] It is submitted by Mr.N.Chowdhury, counsel appearing for the petitioners that the amount of compensation is to be disbursed by the Registry of this court since the amount is lying deposited in UCO bank, High Court branch. Counsel also submits that release order of the statutory deposit of a sum of Rs.25,000/- should also be issued in favour of the petitioners.

[3] In view of the above, order dated 04.06.2021 stands corrected. Registry will release the share of compensation of the petitioner in terms of the order dated 13.06.2016 passed by this court in MAC App.No.8 of 2013(D/O) along with half (Rs.12,500/-) of the statutory deposit of a sum of Rs.25,000/- by transferring the same to the bank account of the petitioner. The petitioner shall submit the details of her bank account along with the authenticated copy of the first page of her individual bank pass book and her identity proof to

the Registry within 2 weeks from today for the purpose of transferring her share to her account.

In terms of the above, the IA is disposed of.

JUDGE

