

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ CM(M) No.1409/2007**

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Date of decision: 27th October, 2009

NEELAM ANAND

..... Petitioner

Through : Mr. Arun Kumar, Adv.

versus

SHANTI DEVI

..... Respondent

Through : Mr. K.D. Saini, Adv.

CORAM :-**THE HON'BLE MR. JUSTICE J.R. MIDHA**

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

1. The petitioner has challenged the award of the learned Tribunal whereby compensation of RS.5,10,032/- has been awarded to the claimants.

2. On 22nd July, 2009, the petitioner submitted that she has already paid a sum of Rs.3,00,000/- to the respondent and further that she is ready to pay the balance award amount of Rs.2,10,032/- to the respondent. The petitioner gave undertaking to pay the said amount in three installments of Rs.1,10,032/-, Rs.50,000/- and Rs.50,000/-. The petitioner further tendered the FDR No.448210 dated 7th January, 2009 as security.

3. Vide order dated 22nd July, 2009, the FDR tendered by the petitioner was kept as security with the direction that in the event of the petitioner failing to make the payment of Rs.2,10,032/-, the

outstanding amount shall be recovered out of this FDR.

4. The learned counsel for the petitioner submits that the petitioner is not in a position to make the payment of Rs.2,10,032/- and, therefore, the said amount be recovered out of her FDR No.448210 dated 7th January, 2009 for Rs.4,38,500/-.

5. Bank of Baroda, Naharpur, Delhi-110085 is directed to release a sum of Rs.2,10,032/- to the respondent Shanti Devi, widow of late Shri Ram Kishan Saini, D-163, Naharpur Village, Rohini, Sector-7, Delhi by transferring the said amount to her Saving Bank Account. Shanti Devi is holding account No.21180100015788 with Bank of Baroda, Naharpur, Delhi-110085. After making the said payment, Bank of Baroda, Naharpur, Delhi-110085 shall issue the FDR in favour of Neelam Anand with respect to the balance amount on the terms and conditions as per the order of the Claims Tribunal and the original fixed deposit receipt for the remaining amount be released to Neelam Anand.

6. The original FDR be sent by the Registry along with copy of this order to Bank of Baroda, Naharpur, Delhi-110085.

7. The petitioner has paid the entire award amount to the claimant/respondent and does not press this appeal. The appeal stands disposed of as not pressed.

8. Copy of this order be given 'Dasti' to learned counsel for the parties under signature of Court Master.

OCTOBER 27, 2009
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J.R. MIDHA, J