

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.253/2007**Date of Decision : 15th January, 2010

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DINESH ADHLAK

..... Appellant

Through : Mr. Harvinder Singh,
Mr. Chetan Sharma and
Mr. Dheeraj, Advs.

versus

PRITAM SINGH & ORS.

..... Respondents

Through : Mr. Manoj Ranjan Sinha,
Adv. for R-3.
Mr. Jeet Pathak and
Mr. C.S. Chauhan, Advs. for
Ms. Rajdipa Behura, amicus
curiae.**CORAM :-****THE HON'BLE MR. JUSTICE J.R. MIDHA**

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

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.1,00,000/- has been awarded to him. The appellant seeks enhancement of the award amount.

2. The accident dated 31st January, 2002 resulted in the death of Alka Adhlak. The deceased was survived by her husband who filed the claim petition before the learned Tribunal.

3. The deceased was aged 31 years at the time of the accident. The deceased was working as a teacher in Government Girls Senior Secondary School at a salary of Rs.11,019/- per month. The income of the deceased was proved by Ex.PW-3/1. The appellant was aged 34 years at the time of the accident and was working in Jesus and Marry College. The appellant was not financially dependent upon the deceased. The learned Tribunal held that the appellant was not entitled to compensation for loss of dependency. The learned Tribunal awarded lump sum compensation of Rs.1,00,000/- towards loss of consortium, funeral expenses and mental agony.

4. The learned counsel for the appellant has urged the following grounds at the time of hearing of this appeal:-

- (i) The deceased was contributing sufficient amount for running the house and, therefore, compensation for loss of dependency be awarded to the appellant.
- (ii) The compensation be awarded to the appellant for loss of estate.
- (iii) The compensation be also awarded for loss of love and affection.
- (iv) The rate of interest be enhanced.

5. The appellant was not financially dependent upon the deceased and, therefore, the appellant is not entitled to the compensation towards loss of dependency. However, the appellant is entitled for compensation for loss to estate. The

law in this regard is well settled by the judgment of Karnataka High Court in the case of **A.Manavalagan Vs. A. Krishnamurthy and Ors., 2005 ACJ 1992**, where it was held as under:-

“8. On the contentions urged, the following questions arise for consideration:

- (i) What are the principles for determining compensation, where the claimant is not a dependant?”

“12. In **GOBALD MOTOR SERVICE v. R.M.K. VELUSWAMI**, MANU/SC/0016/1961 : [1962]1SCR929 referring to Sections 1 and 2 of the Fatal Accidents Act (Sections 1A and 2 after 1951 amendment to the said Act), the Supreme Court pointed out the difference between damages recoverable under the said two Sections. It was held that while under Section 1 (new Section 1A) damages are recoverable for the benefit of the persons mentioned therein, under Section 2, compensation goes to the benefit of the estate; whereas under Section 1, damages are payable in respect of loss sustained by the persons mentioned therein, under Section 2 damages can be claimed inter alia for loss of expectation of life and loss to the estate. The Supreme Court held that persons who claim benefit under Section 1 and 2 need not be the same as the claims under the said two Sections are based upon different causes of action. The Supreme Court held:

"The principle in its application to the Indian Act has been clearly and succinctly stated by a division bench of the Lahore High Court in **SECRETARY OF STATE v. GOKAL CHAND** (AIR 1925 Lah 636). In that case, Sri SHADILAL CJ observed thus:

"The law contemplates two sorts of damages: the one is the pecuniary loss to the estate of the deceased resulting from the accident; the other is the pecuniary loss sustained by the members of his family through his death. The action for the latter is brought by the legal representatives, not for the estate, but as trustees for the

relatives beneficially entitled; while the damages for the loss caused to the estate are claimed on behalf of the estate and when recovered from part of the assets of the estate.

An illustration may clarify the position X is the income of the estate of the deceased, Y is the yearly expenditure incurred by him on his dependants (we will ignore the other expenditure incurred by him). $X - Y$, i.e., Z is the amount he saves every year. The capitalised value of the income spend on the dependants, subject to relevant deductions, is the pecuniary loss sustained by the members of his family through his death. The capitalised value of his income, subject to relevant deductions, would be the loss caused to the estate by his death. If the claimants under both the heads are the same, and if they get compensation for the entire loss caused to the estate, they cannot claim again under the head of personal loss the capitalised income that might have been spent on them if the deceased were alive. Conversely, if they got compensation under Section 1, representing the amount that the deceased would have spent on them, if alive, to that extent there should be deduction in their claim under Section 2 of the Act in respect of compensation for the loss caused to the estate. To put it differently, if under Section 1 they got capitalised value of Y; under Section 2 they could get only the capitalised value of Z, for the capitalised value of $Y + Z$, i.e., X, would be the capitalised value of his entire income."

"The rights of action under Section 1 and 2 of the Act are quite distinct and independent. If a person taking benefit under both the Sections is the same, he cannot be permitted to recover twice over for the same loss. In awarding damages under both the heads, there shall not be duplication of the same claim, that is, if any part of the compensation representing the loss to the estate goes into the calculation of personal loss under Section 1 of the Act, the portion shall be excluded in giving compensation under Section 2 and vice versa."...

“15. Where a breadwinner dies and his wife, children and parents, who are normally depending on the deceased, claim compensation, the method of computation is now standardized. The Court first finds out the income of the deceased, then estimates how much he would have spent for himself (for his personal and living expenses). The balance is taken as the contribution to the dependents (family). The said estimate of the amount contributed to the family per year, which is the annual dependency, becomes the basis for arriving at the compensation. It is converted into a lump sum by multiplying it by the number of years during which he would have contributed to the family (duly scaled down to take several uncertainties into account). Thus, the annual dependency becomes the multiplicand and the number of years' purchase becomes the multiplier. As it is well settled that there cannot be a duplication of award under Sections 1A and 2 of the FA Act, where the main head for award of compensation is loss of dependency, the Courts will not duplicate the award under the head of loss of estate. Instead a conventional sum (Say Rs. 10,000/-) is awarded under the head of loss of estate, where the income has already been taken note of under the head of loss of dependency.

16. But, what would be the position if the claimant, though a legal heir is not a dependant of the deceased? Obviously, the question of awarding any amount under the head of loss of dependency would not arise, as there was no financial dependency. In fact in this case, the deceased was not even managing the 'house hold' as is normally done by a housewife as the husband and wife were living in different places due to exigencies of service and the couple had no children. In such a case, the main head of compensation will be loss to estate under Section 2 of the Fatal Accidents Act. The claim petition becomes one on behalf of the estate of the deceased and the compensation received becomes part of the assets of the estate. Consequently what is to be awarded under the head of loss of dependency under Section 1A would be nil, as there is no real

pecuniary loss to the members of the family.

17. In *GAMMELL v. WILSON*, 1981(1) ALL ER. 578 the House of Lords held that in addition to the conventional and moderate damages for loss of expectation of life, damages for loss to the estate should include damages for loss of earnings of the lost years. The annual loss to the estate was computed to be the amount that the deceased would have been able to save after meeting the cost of his living and damages for loss to the estate were computed after applying a suitable multiplier to the annual loss. *GAMMELL* was relied on in *SUSAMMA THOMAS* (Supra) and by the Madhya Pradesh High Court in *RAMESH CHANDRA v. M.P.STATE ROAD TRANSPORT CORPORATION*, 1983 ACC. C.J 221".

18. In *MADHYA PRADESH STATE ROAD TRANSPORT CORPORATION v. SUDHAKAR*, 1977 ACJ 290 the Supreme Court considered a case where an employed husband claimed compensation in regard to the death of his wife who was employed on a monthly salary of Rs. 200/- to Rs. 250/-. The Supreme Court observed:

"We find it difficult to agree that only half of that amount would have been sufficient for her monthly expenses till she retired from service, so that the remaining half may be taken as the measure of her husband's monthly loss. It is not impossible that she would have contributed half of her salary to the household, but then it is reasonable to suppose that the husband who was employed at slightly higher salary would have contributed his share to the common pool which would have been utilised for the lodging and boarding of both of them. We do not therefore think it is correct to assume that the husband's loss amounted to half the monthly salary the deceased was likely to draw until she retired. If on an average she contributed Rs. 100/- every month to the common pool, then his loss would be roughly not more than Rs. 50/-per month."

19. We may summarise the principles enunciated, thus:

(i) The law contemplates two categories of damages on the death of a person. The first is the pecuniary loss sustained by the dependant members of his family as a result of such death. The second is the loss caused to the estate of the deceased as a result of such death. In the first category, the action is brought by the legal representatives, as trustees for the dependants beneficially entitled. In the second category, the action is brought by the legal representatives, on behalf of the estate of the deceased and the compensation, when recovered, forms part of the assets of the estate. In the first category of cases, the Tribunal in exercise of power under Section 168 of the Act, can specify the persons to whom compensation should be paid and also specify how it should be distributed (Note: for example, if the dependants of a deceased Hindu are a widow aged 35 years and mother aged 75 years, irrespective of the fact that they succeed equally under Hindu Succession Act, the Tribunal may award a larger share to the widow and a smaller share to the mother, as the widow is likely to live longer). But in the second category of cases, no such adjustments or alternation of shares is permissible and the entire amount has to be awarded to the benefit of the estate. Even if the Tribunal wants to specify the sharing of the compensation amount, it may have to divide the amount strictly in accordance with the personal law governing succession, as the amount awarded and recovered forms part of the estate of the deceased.

(ii) Where the claim is by the dependants, the basis for award of compensation is the loss of dependency, that is loss of what was contributed by the deceased to such claimants. A conventional amount is awarded towards loss of expectation of life, under the head of loss to estate.

(iii) Where the claim by the legal representatives of the deceased who were not dependants of the deceased, then the basis for award of compensation is the loss to the estate, that is the loss of savings by the deceased.

A conventional sum for loss of expectation of life, is added.

(iv) The procedure for determination of loss to estate is broadly the same as the procedure for determination of the loss of dependency. Both involve ascertaining the multiplicand and capitalising it by multiplying it by an appropriate multiplier. But, the significant difference is in the figure arrived at as multiplicand in cases where the claimants who are dependants claim loss of dependency, and in cases where the claimants who are not dependents claim loss to estate. The annual contribution to the family constitutes the multiplicand in the case of loss of dependency, whereas the annual savings of the deceased becomes the multiplicand in the case of loss to estate. The method of selection of multiplier is however the same in both cases.

20. The following illustrations with reference to the case of a deceased who was aged 40 years with a monthly income of Rs. 9000/- will bring out the difference between cases where claimants are dependents and cases where claimants are not dependents.

(i) If the family of the deceased consists of a dependant wife and child, normally one-third will be deducted towards the personal and living expenses of the deceased. The balance of Rs. 6000/- per month (or Rs. 72000/- per annum) will be treated as contribution to the dependent family. The loss of dependency will be arrived by applying a multiplier of 14. The loss of dependency will be Rs. 10,08,000/- plus Rs. 10,000/- under the head of loss of Estate.

(ii) If the family of the deceased was larger, say consisting of dependent parents, wife and two children, necessarily the deceased would spend more on his family and the deduction towards personal and living expenses of the deceased will shrink to one-fifth instead of one-third (Note: In *Gulam Khader v. United India Insurance Co., Ltd.*, - ILR 2000 Kar 4416 details of this illustration have been given). Therefore the deduction toward personal and living expense would be Rs. 1800/- per month

(one-fifth of Rs.9000/-) and contribution to the family would be Rs. 7200/- per month or Rs. 86,400/- per annum. Thus loss of dependency will be Rs. 12,09,600/- (by applying the multiplier of 14). The award under the head of loss of estate would be Rs. 10000/-.

(iii) If the deceased was a bachelor with dependent parents aged 65 and 60 years, normally 50% will be deducted towards personal and living expenses of the deceased. This is because a bachelor will be more care free as he had not yet acquired a wife or child and therefore would tend to spend more on himself. There was also a possibility of the bachelor getting married in which event the contribution to parents will get reduced. Therefore the contribution to the family (parents) will be Rs. 4500/- per month or Rs. 54000/- per annum. As the multiplier will be 10 with reference to age of the mother, the loss of dependency will be Rs. 5,40,000/-. Loss of Estate would be a conventional sum of Rs. 10,000/-.

Note: The above three illustrations relate to cases where the claimants are dependants. The said illustration demonstrate that even though the income of the deceased and age of the deceased are the same, the 'loss of dependency' will vary, having regard to the number of dependants, age of the dependants and nature of dependency. The ensuing illustrations relate to cases where the legal heirs of the deceased are not dependants.

(iv) If the deceased is survived by an educated employed wife earning an amount almost equal to that of her husband and if each was maintaining a separate establishment, the question of 'loss of dependency' may not arise. Each will be spending from his/her earning towards his living and personal expenses. Even if both pool their income and spend from the common income pool, the position will be the same. In such a case the amount spent for personal and living expenses by each spouse from his/her income will be comparatively higher, that is three-fourth of his/her income. Each would be saving only

the balance, that is one fourth (which may be pooled or maintained separately). If the saving is taken as one-fourth (that is 25%), the loss to the estate would be Rs. 2250/- per month or Rs. 27000/- per annum, By adopting the multiplier of 14, the loss to estate will be Rs. 3,78,000/-.

Note: The position would be different if the husband and wife, were both earning, and living together under a common roof, sharing the expenses. As stated in *BURGESS v. FLORENCE NIGHTINGALE HOSPITAL* (1955(1) Q.B. 349), 'when a husband and wife, with separate incomes are living together and sharing their expenses, and in consequence of that fact, their joint living expenses are less than twice the expenses of each one living separately, then each, by the fact of sharing, is conferring a benefit on the other'. This results in a higher savings, say, one-third of the income; In addition each spouse loses the benefit of services rendered by the other in managing the household, which can be evaluated at say Rs. 1,000/- per month or Rs. 12,000/- per annum). In such a situation, the claimant (surviving spouse) will be entitled to compensation both under the head of loss of dependency (for loss of services rendered in managing the household) and loss to estate (savings to an extent of one-third of the income that is Rs. 3,000/- per month or Rs. 36000/- per annum). Therefore, the loss of dependency would be $12000 \times 14 = 168,000/-$ and loss to estate would be $36000 \times 14 = 504,000/-$. In all Rs. 6,72,000/- will be the compensation.

(v) If the deceased was a bachelor and the claimants are two non-dependent brothers/sisters aged 47 years and 45 years with independent income, the position would be different. As the deceased did not have a 'family', the tendency would be to spend more on oneself and the savings would be hardly 15%. If the saving is taken as 15% (Rs. 1350/- per month), the annual savings would be Rs. 16,200/- which would be the multiplicand. The multiplier will be 13 with reference to the age of the claimants and

the loss of estate would be Rs. 2,10,600/- per annum.

Though the quantum of savings will vary from person to person, there is a need to standardise the quantum of savings for determining the loss to estate (where the claimants are not dependants) in the absence of specific evidence to the contrary. The quantum of savings can be taken as one-third of the income of the deceased where the spouses are having a common establishment and one-fourth where the spouses are having independent establishments. The above will apply where the family consists of non-dependant spouse/children/parents. Where the claimants are non-dependant brothers/sisters claiming on behalf of the estate, the savings can be taken as 15 % of the income. The above percentages, one of course, subject to any specific evidence to the contrary led by the claimants.”

6. The salary of the deceased at the time of the accident was Rs.11,019/-. 50% is added towards future prospects following the judgment of the Hon’ble Supreme Court in the case of **Sarla Verma vs. DTC, 2009 (6) SCALE 129** and the income of the deceased for computation of compensation is taken to be Rs.16,528/- (Rs.11,019 + Rs.5509).

7. The Karnataka High Court has held that where the husband and wife were having common establishment, the quantum of savings shall be taken as 1/3 of the income of the deceased but where the husband and wife were having independent establishments, the savings be taken as 1/4. In the present case, the appellant and the deceased were having a common establishment and, therefore, savings of the deceased are taken to be 1/3 of her income.

8. Following the judgment of the Karnataka High Court in the case of **A.Manavalagan** (supra), the appellant is held to be entitled to 1/3rd of the income of the deceased as loss of estate. The appellant was aged 34 years at the time of the accident and the appropriate multiplier according to the judgment of the Hon'ble Supreme Court in the case **Sarla Verma** (supra) is 16. Taking the loss of estate as 1/3 of the income of the deceased (Rs.16,528/-) and applying the multiplier of 16, the loss of estate is computed at Rs.10,57,792/- (Rs.5509 X 12 X 16).

9. The learned Tribunal has awarded Rs.1,00,000/- towards loss of consortium, funeral expenses and mental agony which is on a higher side and is, therefore, set aside. Rs.10,000/- is awarded towards loss of consortium, Rs.10,000/- towards love and affection and Rs.10,000/- towards funeral expenses. The appellant is entitled to total compensation of Rs.10,87,792/- (Rs.10,57,792 + Rs.10,000 + Rs.10,000 + Rs.10,000).

10. The learned Tribunal has awarded interest @ 6% per annum which is enhanced to 7.5% per annum following the judgment of the Hon'ble Supreme Court in the case of **Dharampal Vs. UP State Road Transport Corporation, III 2008 ACC (1) SC** from the date of filing of the petition till realization.

11. The learned counsel for respondent No.3 submits that there is a possibility of remarriage of the appellant and, therefore, the award of the learned Tribunal should not be

interfered with. The learned counsel for respondent No.3 refers to and relies upon the judgment of Division Bench of the Karnataka High Court in the case of **Basappa vs. K.H. Sreenivasa Reddy, AIR 1982 Karnataka 30** in which it was held that the husband would be entitled to compensation to loss of consortium till he remarries.

12. The learned counsel for the appellant, in reply, refers to the judgment of Jammu and Kashmir High Court in the case of **Seema Malik vs. Union of India, 2005 ACJ 1389** in which it was held that remarriage of the widow cannot deprive her of the compensation payable for the death of her husband. The Jammu and Kashmir High Court examined the judgments of various High Courts on this issue and held as under:-

“5. Another issue which is required to be taken note of is with regard to the rights of a widow to claim maintenance even if she re-marries. The judicial opinion is to the effect that simply because a widow has remarried, is not to be made a ground for declining her compensation. In *Hariram v. Commissioner for Workmen's Compensation*, 1994 ACJ 1094 (MP), the view expressed was that the widow on remarriage cannot be deprived of her right of getting compensation. In the above case the argument put across was that as the widow had re-married, therefore, the entire amount be given to the father of the deceased. It was held that this legal proposition cannot be sustained. The reasoning given was that the inheritance never remains in abeyance and, therefore, rights of a widow are to be taken and recognised on the date when her husband dies. Therefore, she cannot be deprived of her right of getting compensation.

6. The Rajasthan High Court in the case reported as *Regal Sports v. Mohd. Siddique*, 1994 ACJ 294 (Rajasthan), held that the widow cannot be declined compensation on her remarriage. Amount awarded was Rs.66,420/-. This was

reduced in appeal to Rs.50,000/-. What is sought to be pointed out is that the widow was held entitled to claim amount of compensation. In *Rajasthan State Road Transport Corporation v. Kiran Lata*, 1993 ACJ 130 (Rajasthan), the view expressed was that to deny compensation on the ground of possibility of remarriage of the widow would be enforcing a view which is against the public policy and would be violative of Section 23 of the *Contract Act*. It was accordingly observed that the question of possibility of remarriage would not come in the way at all and compensation is not to be based by taking into consideration the question of marriage or possibility of remarriage. In another decision of the Rajasthan High Court, reported as *Vimla Devi v. Chaman*, 1992 ACJ 1048 (Rajasthan), it was held that the denial of compensation is not to be on account of possibility of re-marriage of the widow of the deceased. Some other decisions dealing with this aspect of the matter are *Rajinder Kumar v. Soma Devi*, 2001 ACJ 307 (HP); *Chandan v. Kanwarlal*, 1989 ACJ 816 (Delhi); *Khairullah v. Anita* 1994 ACJ 1017 (AP); *Nankuram Sarajdin v. Member, M.A.C.T., Thane*, 1994 (2) TAC 346 and *Halki Bai v. New India Insurance Co. Ltd.*, 1999 ACJ 187(MP). Learned Judges in these cases have consistently held that remarriage of a widow would not disentitle her to claim compensation.

7. Another reason which re-enforces the above conclusion that on re-marriage of a widow the social stigma which stood imposed earlier is not completely washed of. Some negative factors continue to exist and are taken note of in the case of re-marriage of a widow. She may on re-marriage may not enjoy the same status and frame of mind. Re-adjustment when widow has an infant, creates other social problems and she has to provide some security to the child or children from the first husband. This factor has to be taken note of. As such a widow on re-marriage cannot be deprived of the compensation.

8. The mother of the minor had stated that the amount of compensation was required to be spent on educating and bringing up her minor son. According to her, that much amount which she would have got would have been spent on the upkeep of the minor. Her counsel has stated that whatever amount she becomes entitled to now be given to her son; so that this monetary

relief be of some solace for the fatherly love which he was unable to enjoy. As the appeal has been preferred by the son and mother of the deceased, the awarded enhanced amount shall go to the son."

13. The Rajasthan High Court in the case of **Vimla Devi vs. Chaman, I (1992) ACC 170** held that public feeling requires that there shall not be any deduction on account of possibility of remarriage. The findings of the High Court are as under:-

"4. Mr. Bhartiya has also cited before me the case of Makbool Ahmed v. Bhura Lal 1986 ACJ 219 (Rajasthan). My brother Vyas, J., was considering the question of remarriage and held that the compensation should be paid only upto the date of remarriage and for the parents the multiplier was considered as 15 years. This case does not help Mr. Bhartiya in the facts and circumstances of the case in any way. However, I will like to observe that the Constitution of India guarantees equal treatment and particularly Article 15 of the Constitution read with preamble of the Constitution. Chapter IV of the Constitution directs the court and the Government to provide equality of opportunity, equality of status and to give special facilities and concession to the weaker class of the society, namely, the women. The days when the widow remarriage was prohibited have gone and after coming into force of the Hindu Marriage Act and Hindu Succession Act, the doctrine of limited case also lost its ground. Widow has a right to remarry and it is in the interest of the society that remarriage of the young lady should be encouraged and the court should not be an impediment because of the old traditional approach, where the power vested in the man and the females were considered as the second class members. For this purpose, Section 14 of the Hindu Succession Act, 1956 also provides the right of absolute ownership to a woman and I am of the view that to say that on account of the remarriage or possibility of remarriage deduction of compensation will be against the spirit of the Constitution and will put a check on the remarriage system provided under various legislations enacted by the Parliament and the State Assembly. I am in

disagreement on this point that there should be any impediment or restriction, directly or indirectly, compelling a woman not to remarry. On the contrary, an incentive should be given for remarriage for the preservation of better society. After remarriage generally a woman does not get the same status and benefits of decent life as she used to get earlier. Public feeling requires that there shall not be any deduction on account of possibility of remarriage.”

14. In the case of **Bhanwar Lal vs. Munshi Ram, 1988 ACJ 283**, the Rajasthan High Court held that the widow remarriage is a matter of satisfaction for all concerned but other members of the family should not suffer on this account. The deductions may act as impediment in the path of encouragement to widow remarriage. The relevant findings of the High Court are as under:-

“7. ...In Hindu society remarriage of widow is still rare and considered to be a taboo even till today. Therefore, if a widow remarriage, it is a matter of satisfaction for all concerned but on this account, there is no reason why the other members of the family of deceased should suffer. The deductions may act as impediment in path of encouragement to widow remarriage. Apart from this, the act is a piece of social legislation which has been enacted with a view to give benefit to the members of the family of the unfortunate victim who lost his life in a sad accident. I am, therefore, of considered opinion that it will not be appropriate and justified on any ground to deduct anything on account of remarriage of the widow of the deceased and to deny the benefit of the compensation to the aging parents of the deceased person.”

15. I am in respectful agreement with the view of the Jammu & Kashmir High Court and the Rajasthan High Court and hold that the remarriage/possibility of the remarriage will not deprive a person from compensation for the death of his/her spouse.

16. The appeal is allowed and the award amount is enhanced from Rs.1,00,000/- to Rs.10,87,792/- along with interest @7.5% per annum from the date of filing of the petition till realization.

17. The enhanced award amount along with interest be deposited by respondent No.3 with UCO Bank, Delhi High Court Branch A/c Dinesh Adhlak by means of a cheque through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 60 days.

18. Upon the enhanced award amount being deposited, UCO Bank is directed to release 10% of the award amount to the appellant by transferring the same to his Saving Bank Account. The remaining amount be kept in fixed deposit in the following manner:-

- (i). Fixed deposit for 10% of the award amount in the name of the appellant for a period of one year.
- (ii). Fixed deposit for 10% of the award amount in the name of the appellant for a period of two years.
- (iii). Fixed deposit for 10% of the award amount in the name of the appellant for a period of three years.
- (iv). Fixed deposit for 10% of the award amount in the name of the appellant for a period of four years.
- (v). Fixed deposit for 10% of the award amount in the name of the appellant for a period of five years.
- (vi). Fixed deposit for 10% of the award amount in the name of the appellant for a period of six years.
- (vii). Fixed deposit for 10% of the award amount in the name of the appellant for a period of seven years.
- (viii). Fixed deposit for 10% of the award amount in the name of the appellant for a period of eight years.

(ix). Fixed deposit for 10% of the award amount in the name of the appellant for a period of nine years.

19. The interest on the aforesaid fixed deposit shall be paid monthly by automatic credit of interest in the Savings Account of the appellant.

20. Withdrawal from the aforesaid account shall be permitted to the appellant after due verification and the Bank shall issue photo Identity Card to the appellant to facilitate identity.

21. No cheque book be issued to the appellant without the permission of this Court.

22. The original fixed deposit receipt shall be retained by the Bank in the safe custody. However, the original Pass Book shall be given to the appellant along with the photocopy of the FDR.

23. The original fixed deposit receipt shall be handed over to the appellants on the expiry of the period of the FDR.

24. No loan, advance or withdrawal shall be allowed on the said fixed deposit receipt without the permission of this Court.

25. Half yearly statement of account be filed by the Bank in this Court.

26. On the request of the appellant, the Bank shall transfer the Savings Account to any other branch of UCO Bank according to his convenience.

27. The appellant shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. M.M. Tandon, Member-Retail Team, UCO Bank

Zonal, Parliament Street, New Delhi.

28. Copy of the order be given dasti to counsel for both the parties under the signature of the Court Master.

29. Copy of this order be also sent to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) through the UCO Bank, High Court Branch under the signature of Court Master.

JANUARY 15, 2010
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J.R. MIDHA, J