

HIGH COURT OF TRIPURA
AGARTALA

I.A. No.02 of 2024
in
MAC App. No.14 of 2023(Disposed Of)

Sri Sohag Majumdar

.....Applicant(s)

Versus

Sri Sanjoy Kumar Agarwala & Anr.

.....Respondent(s)

For Applicant(s) : Mr. A. Das, Advocate.

For Respondent(s) : Mr. R. Saha, Advocate.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

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05.12.2024

Heard Mr. A. Das, learned counsel appearing for the applicant and Mr. R. Saha, learned counsel appearing for the respondent-Cholamandalam MS General Insurance Company.

Earlier Learned Member, Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala in T.S.(MAC) No.139 of 2017, awarded compensation to the present applicant for an amount of Rs.23,92,600/- along with interest at the rate of 6% per annum with effect from 31.07.2017 till payment.

Being aggrieved by the quantum of compensation, the appellant-petitioner preferred an appeal bearing MAC App. No.14 of 2023, which was disposed of by this Court on 20.06.2024 with the following direction :

"15. In the result, the appeal filed by the appellant-petitioner is hereby allowed. The judgment and order dated 18.07.2022 passed by Learned Member, Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala in Connection with case No.T.S.(MAC) 139 of 2017 is hereby modified. The appellant-petitioner would get Rs.37,99,438/- with interest at the rate of 6% per annum from 31.07.2017 to till the date of realization. The noticee Cholamandalam MS General Insurance Company

Ltd. Will pay the amount of compensation with interest within a period of 6 weeks from the date of passing order/judgment. The insurance company shall deposit the amount to the Learned Tribunal below within the aforesaid stipulated period and the other direction of the Tribunal regarding disbursement of amount would be followed. With this observation, this appeal is allowed. The appeal is thus disposed of."

Regarding the disbursement of said amount this Court directed that the manner of disbursement of the amount will be as per direction of the Learned Tribunal below. The Learned Tribunal while passing the award dated 18.07.2022, directed that out of the total amount of compensation inclusive of interest, 60% shall be kept in fixed deposit scheme in the name of the petitioner in UCO Bank, District Court Branch, Agartala for a period of 5(five) years and rest amount shall be paid to him through his bank account. The appellant-petitioner was also given the liberty to receive interest from such fixed deposit.

From the note of Registry, it appears that the Insurance Company after the judgment passed by this Court deposited Rs.18,78,822/- by one cheque and further Rs.1,17,991/- by another cheque in the Registry of this Court.

Mr. Das, learned counsel for the appellant-petitioner submits that in terms of the judgment of this Court, 40% of the deposited amount is required to be disbursed to the appellant-petitioner.

Considered the submission.

Registry is directed to release 40% of the amount as deposited by above said two cheques to the appellant-petitioner through his bank account after observing all requisite formalities and rest amount may be kept in fixed deposit in terms of the order passed by Learned Member, Motor Accident Claims Tribunal, Court No.1, West Tripura, Agartala.

Interlocutory Application, is accordingly, disposed of.

JUDGE

SUJAY
GHOSH

Dinashree

Digitally signed by
SUJAY GHOSH
Date: 2024.12.06
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