

**HIGH COURT OF TRIPURA
AGARTALA**

I.A. No. 01 of 2021
In MAC App. No. 48 of 2012 (D/O)

Smt. Bina Pani Choudhury (Baidya)

.....Applicant(s)

Versus

Sri Gopal Chandra Chakraborty & Anr.

.....Respondent(s)

For Applicant(s) : Mr. D.K. Daschoudhury, Adv.

For Respondent(s) : Mr. P. Gautam, Adv.

HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY

Order

15/11/2021

This application seeking disbursement of the amount of compensation has been filed by Smt. Bina Pani Choudhury (Baidya) who lost her only son Saikat Baidya in a road traffic accident on 05.01.2010 at Ranir Bazar in West Tripura district. Her claim for compensation was decided by the Motor Accident Claims Tribunal, Court No.4, West Tripura, Agartala on 21.04.2012 in T.S.(MAC) 210 of 2010 whereby the tribunal awarded compensation of a sum of Rs.6,04,870/- along with 9% interest thereon.

[2] The claimant challenged the award before this High Court in MAC App. No.48 of 2012 (D/O). The compensation awarded by the tribunal was enhanced by this court from Rs.6,04,870/- to

Rs.9,50,000/- along with 9% annual interest thereon from the date of filing till the date of disbursement. The relevant extract of the judgment of this court passed in MAC App. No.48 of 2012 (D/O) is as under:

"4. The total compensation therefore, is assessed at Rs. (8,85,000 + 15,000 + 50,000)/- = Rs.9,50,000/-. On this amount the claimant shall be entitled to interest @9% per annum from the date of filing of the claim petition till payment of the amount. Since the Insurance Company has already deposited the amount of Rs.6,04,817/-, it is directed to deposit the enhanced amount of Rs. (9,50,000 – 6,04,817)/- = Rs.3,45,183/- along with interest as awarded herein-above to the Registry of this Court within 12(twelve) weeks from today.

5. Since the entire amount awarded by the learned Tribunal has already been released in favour of the mother, it is directed that out of the amount now deposited only Rs.50,000/- shall be released in favour of her. The rest shall be kept in fixed deposit for a period 5(five) years and the interest shall be paid on quarterly basis to the mother. After expiry of 5(five) years the entire amount shall be paid to the mother."

[3] It is contended by Mr. D.K. Daschoudhury, counsel appearing for the petitioner that other than the amount which has been invested in term deposit for 5(five) years, rest of the amount has already been withdrawn by the original claimant petitioner. Counsel submits that the term deposit of 5(five) years have already matured and therefore the said amount may be disbursed in favour of the claimant petitioner along with interest accrued thereon.

[4] In view of the above, the Registry will disburse the said amount in favour of the petitioner namely, Bina Pani Choudhury

(Baidya) by transferring the same to her individual bank account within a period of 12 days from today.

[5] It is contended by Mr. Daschoudhury, learned advocate that bank details has already been furnished by the petitioner containing a photograph of her which is available in the record of this case. However, the Registry may verify the identity of the petitioner before disbursal of the amount in her favour.

[6] This order is passed after hearing Mr. P. Gautam, learned counsel appearing for the insurance company who submitted that entire amount in terms of the order of the Appellate Court was deposited by the insurance company. The insurance company will have no objection if the unpaid amount is disbursed in favour of the petitioner.

[7] Copy of this order may be supplied to the counsel of the petitioner as well as to the counsel of the insurance company.

In terms of the above, the I.A. is disposed of.

JUDGE