THE HIGH COURT OF TRIPURA
<u>AGARTALA</u>

<u>CRP 40 of 2015</u>

Smt. Kiranmala Debbarma,
W/O. Late Girendra Debbarma,
Village: Sitaram Chowdhuri Para,
P.S.: Champahour, Khowai,
District: Khowai Tripura.

………. *Petitioner*

- Vs. –

1. Sri Sankar Paul.
   Late Haradhan Ch. Paul
   Of Nalgaria, P.S.: Ranirbazar,
   Dist: West Tripura,
   Pin: 799035.
   (Owner of the Vehicle bearing No. TR-01A-3458, JEEP).

2. The Divisional Manager,
   The Oriental Insurance Company Ltd.,
   Central Road, Agartala,
   Dist: West Tripura.
   (Insurer of the Vehicle bearing No. TR-01A-3458 vide Policy No.322700/31/2010/12665,
   Valid up to 03-02-2011).

………. *Respondents*

BEFORE

HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the Petitioner	:	Ms. S. Deb Gupta, Advocate.
For the respondents	:	None.
Date of hearing & delivery of Judgment & order	:	25.06.2015.
Whether fit for reporting	:	No.

JUDGMENT & ORDER (ORAL)

This Revision petition is directed against the order dated 13.01.2015 passed by the learned Motor Accident Claims Tribunal (MACT), rejecting the prayer of the application for release of the amount.

2. The MACT vide Award dated 18.03.2014 awarded Rs.6,53,000/- in favour of the claimant. It was, however, further directed that since the claimant is a widow the entire amount shall be kept in a fixed deposit for a period of 5 years and that the claimant would be entitled to withdraw monthly interest to meet her day to day expenses.

3. The petitioner moved the Motor Accident Claims Tribunal for release of the entire amount. The only reason given for release of the amount was that the deceased was the only bread earner of the family and that the one son is mentally retarded and another son is un-employed. No document issued by any doctor has been filed to show that one son is mentally retarded. A vague averment has been made that after the death of her son the petitioner had taken a private loan on interest for purpose of funeral and other ceremonies of her deceased son. There are other allegations of taking loan. Neither the person who gave loan has been named nor the loan amount has been mentioned nor the documents relating to the loan amount have

been mentioned. Therefore, I find no error in the order of the MACT.

4. However, I am of the view that some amount should have been released in favour of the applicant because she must have spent some money on the death ceremonies of her son and she must have also spent other amounts over this period of 4 years.

5. Therefore, I direct that out of the amount deposited, a sum of Rs.1,00,000/- (one lakh) shall be released in favour of the claimant by remitting it to her Bank account. The remaining amount shall be kept in a fixed deposit for a period of 5 years as already ordered and thereafter, a sum of Rs.1,00,000/- (one lakh) shall be released every year in favour of the claimant till the entire amount is released in her favour.

6. The petition is disposed of in the aforesaid term.

7. Send down the LCRs forthwith.

CHIEF JUSTICE

sima