

**HIGH COURT OF TRIPURA
AGARTALA**

**IA 1 of 2021
in MAC App. 62 of 2010**

For the Petitioner(s) : Mr. T.D. Majumder, Sr. Advocate.

For the Respondent(s) : None.

BEFORE

HON'BLE MR. JUSTICE S.G.CHATTOPADHYAY

ORDER

23.06.2021

[1] This is an application for release of the respective share of the petitioners of the compensation awarded to them vide judgment and order dated 29.07.2015 passed by this Court in MAC App. No.62 of 2010 arising out of the death of the Md. Malu Mia, husband of claimant-petitioner, Smt. Surjya Devi Jamatia (Begam) and father of Smt. Mausumi Aktar.

[2] The said petition has been filed by Smt. Surjya Debi Jamatia (Begam) who has sworn an affidavit on 16.04.2021 in support of her claim for release of the compensation in favour of her and her daughter, Smt. Mausumi Aktar who has attained majority by this time.

[3] It is ascertained from the record that vide said order dated 29.07.2015 in MAC App. No.62/2010 this Court enhanced the award from Rs.4,51,500/- to Rs.11,20,000/- by observing as under:

“[11] In view of the above discussion, the award is enhanced from Rs.4,51,500/- to Rs.11,20,000/- i.e. by Rs.6,68,500/- The claimant shall also be entitled to interest on the enhanced sum of Rs.6,68,500/- @ 7.5% per annum from the date of filing of the claim petition till deposit of the amount. The insurance company i.e. the National Insurance Company Ltd. is directed to deposit the enhanced amount of compensation along with proportionate interest thereupon in the Registry of this Court within four months from today. Obviously, the insurance company shall be entitled to adjust the amount(s), if any, which it has already paid or deposited.”

[4] There were four claimant-appellants in the said appeal including Smt. Gunai Bibi, mother of the deceased and Sri Adam Ali, father of the deceased. Both of them are stated to have died. Photocopy of their death certificates have been filed. According to the death certificates, Gonai Bibi died on 10.05.2019 at the age of 70 years and her husband Adam Ali died on 27.02.2011.

[5] It is submitted by Mr. T. D. Majumder, learned Sr. advocate that none of them have left behind any legal heirs other than Smt. Surjya Devi Jamatia (Begam) and Smt. Mausumi Aktar to be entitled to the share of their compensation. Learned Sr. counsel therefore, urges the Court to release the entire amount which has been lying in the fixed deposit in the name of petitioner namely, Smt. Surjya Devi Jamatia (Begam) and her daughter, Smt. Mausumi Aktar.

[6] It could not be ascertained from the said judgment of this Court what is the apportionment of the compensation among the four appellants and whether the share of the deceased parents of Late Malu Mia has been invested separately in their name.

[7] In view of the above, vide order dated 04.06.2021, the Registry was directed to submit a report clarifying as under:

(i) The amount deposited by the insurance company in terms of the award passed by this Court in MAC App. No.62/2010.

(ii) The principal amount invested in the name of the claimants and date of such investments (photocopies of certificates shall also be placed on record).

(iii) Whether any amount has been invested in the name of the parents of Late Malu Mia and if so, the amount thereof. (photocopies, if any, shall also be placed on record).

[8] Pursuant to the said order it is reported by the Registry that after MAC Appeal No.62 of 2010 against the Tribunal's award dated 02.01.2009 was disposed of by this court vide judgment and order dated 29.07.2015 the insurance company deposited cheque No.025868 dated 30.12.2015 of a sum of an amount of Rs.10,59,710/- at the Registry which was invested in fixed deposit in the UCO Bank at its High Court extension branch in the name of the Registrar General, High Court of Tripura. The said investment was initially made for a period of 01 year and it was renewed from time to time. It is also

clarified that no amount has been separately invested in the name of the claimant wife and daughter of the deceased or in the name of his parents.

[9] Heard Mr. T.D.Majumder, learned Sr. Advocate appearing for the petitioners who urges the court for an early release of the compensation in favour of the claimant petitioners.

None appears for the insurance company.

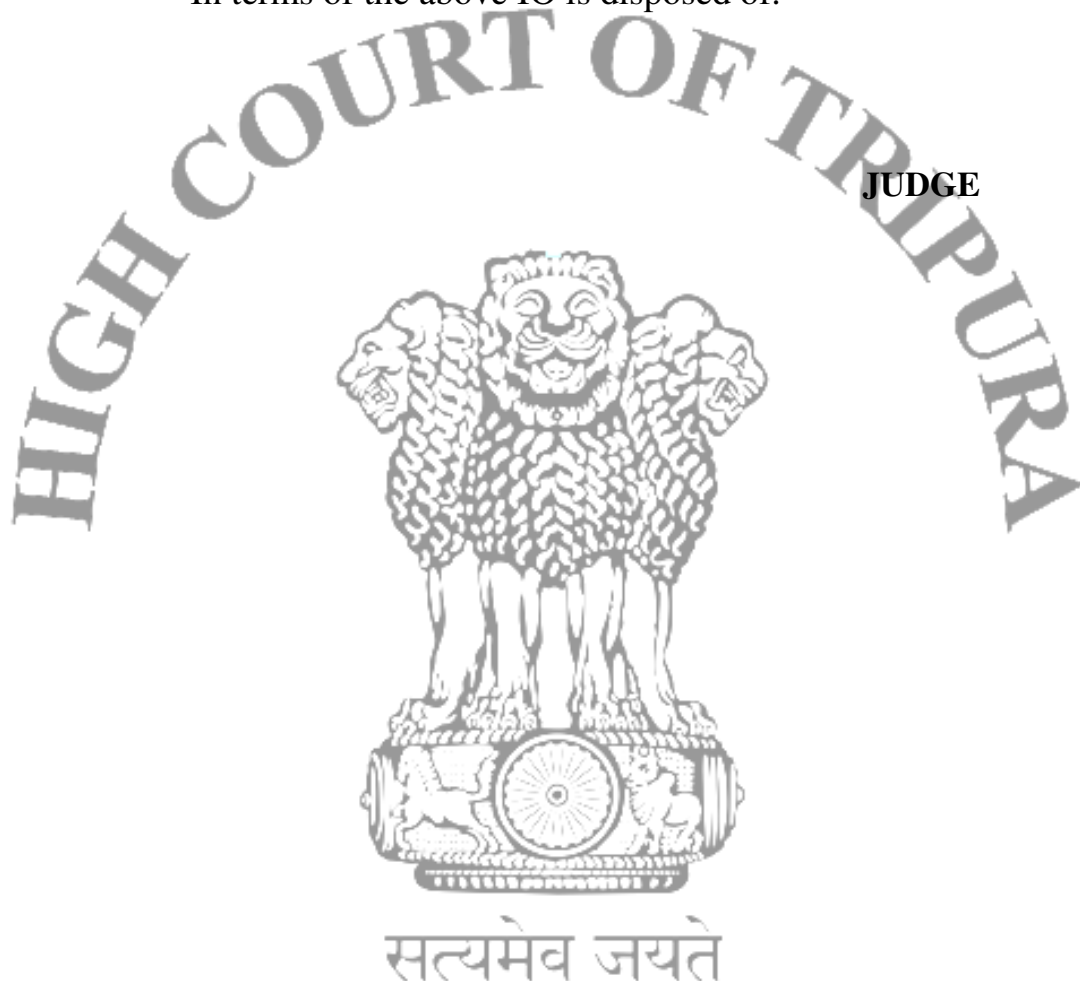
[10] Perused the judgment of this court passed in MAC App.No.62 of 2010. Also perused judgment and award dated 02.01.2009 passed by the MACT, South Tripura, Udaipur in case No.T.S (MAC)23 of 2008. Vide paragraph 8 of the judgment, Tribunal made the following apportioning of the compensation:

“The share of the petitioners nos.1,2,3&4 will be Rs.1,62,875/-(Rupees one lakh sixty-two thousand eight hundred and seventy-five) each only” which means that the petitioners were given equal share of the said compensation. Since petitioner 1 and 2 i.e. parents of the deceased have died and they are stated to have left no legal heirs other than Smt. Surjya Debi Jamatia (Begam), wife of the deceased and Smt. Mousumi Aktar, daughter of the deceased they will get equal share of the amount of compensation as claimed.

[11] The Registrar General will, therefore, disburse the amount of compensation in equal share to the claimants by transferring the said amount to their individual bank accounts. For this purpose necessary verification may be made for confirmation about their identity. The claimants aforesaid shall furnish an indemnity bond fore release of their share indemnifying future claims.

In terms of the above IO is disposed of.

JUDGE



Saikat Sarma, P.A