

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.108 OF 2015

IN

FIRST APPEAL NO. 981 OF 2012 (D)

(Divisional Controller, MSRTC Vs. Smt. Meena wd/o Rajendra Varma & others)

WITH

CIVIL APPLICATION (CAF) NO. 109 OF 2015

ION

FIRST APPEAL NO. 604 OF 2013 (D)

(Divisional Controller, MSRTC Vs. Damodhar Asaram Varma & others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. R. Agrawal, Advocate for the applicants/respdts.
Shri V. H. Kedar, Advocate N.A./appellant.

**CORAM : B. P. DHARMADHIKARI
& S. B. SHUKRE, JJ.**

DATED : 20 MARCH, 2015

Widow and the minor daughter have moved this application (CAF No.108/2015) seeking leave to withdraw amount of Rs.8,51,730/-. First appeal filed by the vehicle owner-M.S.R.T.C. is already disposed of.

Motor Accident Claims Tribunal, Amravati on 02/9/2011 made following arrangement insofar as the disbursement of amount is concerned.

“..... On deposit of amount of compensation in Tribunal, Rs.1,00,000/- be paid to Damodhar Verma and Rs.2,00,000/- be paid to Sau. Sunita Verma. Out of it, 50% be deposited in each names in a Nationalized Bank for the period of five years and remaining be paid to them by account payee cheques.

The remaining amount along with interest be equally paid to Smt. Meena Verma and Ku. Vidya @ Poonam Verma.

Out of the amount so deposited, the amount allotted to Ku. Vidya @ Poona, be deposited in her name in a Nationalized Bank for the period till she attains the age of majority and the accrued interest be paid to Smt. Meena.

Out of the amount so deposited, 50% amount be deposited in the name of Smt. Meena in a Nationalized Bank for the period of five years and remaining 50% be paid to her by account payee cheques...”

In this situation, it is apparent that the amount allotted to minor Ku. Vidya needs to be deposited in her name in a Nationalized Bank till she attains the age of majority and interest accrued upon it needs to be paid to her mother Smt. Meena.

The parents of deceased have also moved CAF No.109 of 2015. Their entitlement is governed by para 3 of the order of the Tribunal mentioned supra. Thus, Damodhar gets an amount of Rs.1,00,000/- while mother Sunita gets amount of Rs.2,00,000/-. Out of this amount payable to them, 50% needs to be deposited in their respective names in a Nationalized Bank for the period of five years. The remaining 50% amount can be paid to them.

Accordingly, we direct that the amount of Rs.50,000/- be paid to Damodhar and amount of Rs.1,00,000/- be paid to Smt. Sunita. Remaining amount of Rs.50,000/- and

Rs.1,00,000/- be deposited in a Nationalized Bank for the period of five years and the interest accrued upon it shall be allowed to be withdrawn by Damodhar and Smt. Sunita, respectively.

The remaining amount is to be apportioned equally between daughter Ku. Vidya and widow Smt. Meena.

After depositing of amount by Ku. Vidya in a Nationalized Bank, remaining amount again needs to be divided into two equal parts, one portion needs to be invested in a Nationalized Bank in the name Smt. Meena for a period of five years and remaining portion needs to be paid to her as directed in the said order of the Tribunal.

In view of these directions, which are not modifying while disposing of the appeals, we allow both these applications in terms thereof.

Both the applications are disposed of accordingly.

JUDGE

JUDGE