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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 15th September, 2016**

\+ MAC.APP. 689/2015 & CM 17771/2015

KUSUM DEVI & ORS ..... Appellants
Through: Mr. Anshuman Bal, Adv.

versus

SHWETA KUMARI & ORS
(IFFCO TOKIO GEN INS CO LTD) ..... Respondents
Through: Mr. Gopesh Tripathi, Adv.
Mr. Shoumik Mazumdar, Adv. for R2

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The accident dated 12th October, 2013 resulted in the death of Rahul. Rahul was survived by his widow, mother and unmarried brother and sister who filed the claim petition before the Claims Tribunal.

2. The Claims Tribunal passed the award dated 30th July, 2015 for Rs.14,00,000/- which amount was deposited by respondent No.2 before the Claims Tribunal.

3. The appellants are the mother, brother and sister of the deceased whereas the respondent No.1 is the widow of the deceased. The dispute in this appeal is with respect to the shares of the appellants and respondent No.1 in the award amount.

4. Appellant No.1 as well as the respondent No.1 are present in Court with their respective counsels. The appellant No.1, mother of deceased is aged about 68 years whereas the respondent No.1. wife of the deceased is aged about 18 years.

5. This Court is of the view that appellants No.2 and 3, brother and sister

of the deceased, are not entitled to any share in the compensation. With respect to appellant No.1 and respondent No.1, this Court is of the view that appellant No.1 is entitled to Rs.4,00,000/- and respondent No.1 is entitled to Rs.10,00,000/-.

6. The Claims Tribunal has already released Rs.1,00,000/- to respondent No.1 and the balance amount is lying in fixed deposit with UCO Bank, Karkardooma Courts Branch.

7. UCO Bank, Karkardooma Courts Branch is directed to disburse Rs.4,00,000/- along with interest accrued thereon to appellant No.1 by releasing 10% of the amount to her and the balance 90% amount be kept in five fixed deposits of equal amount in the name of appellant No.1 for a period of 1 year, 2 years, 3 years, 4 years and 5 years.

8. The balance amount (after releasing Rs.4,00,00/- and interest thereon to appellant No.1) be disbursed to respondent No.1 by releasing 10% to her and the balance amount be kept in nine FDRs of equal amount in the name of respondent No.1 for a period of 1 year, 2 years, 3 years, 4 years, 5 years, 6 years, 7 years, 8 years and 9 years.

9. The monthly interest on the FDRs of respondents No.1 and appellant No.1 shall be credited in their respective individual savings bank accounts.

10. At the time of maturity, the fixed deposit amount shall be automatically credited in the individual savings bank accounts of the beneficiaries.

11. All the original FDRs shall be retained by UCO Bank, Karkardooma Courts Branch. However, the photocopies of the same shall be provided to the beneficiaries.

12. No cheque book or debit card be issued to the beneficiaries without permission of this Court.

13. No loan or advance or pre-mature discharge shall be permitted

without the permission of this Court.

14. Appellant No.1 and respondent No.1 shall approach the UCO Bank for completing the formalities for the disbursement of the award amount in terms of this judgment.

15. UCO Bank, Karkardooma Courts Branch shall ensure that the savings bank accounts of respondent No.1 and appellant No.1 are individual accounts and not joint accounts.

16. The appeal and pending application are disposed of in the above terms.

17. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

SEPTEMBER 15, 2016
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