

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CIVIL REVISION PETITION No.1671 of 2014

ORDER:

Heard both sides.

Undisputedly as per the appellate Court's decree dated 14.02.2002 against the award dated 12.08.1991 in MVOP.No.494 of 1987 filed on 18.12.1987, vide appeal CMA.Nos.461 of 1994 & 1649 of 1991 common disposal by dismissal of the appellant/insurer's appeal and allowing of the claimants appeal, the compensation awarded by the Tribunal of Rs.61,580/- is enhanced to Rs.75,440/-.

Thus the principal amount is Rs.75,440/-. The costs awarded is an amount of Rs.1,006/-. There is payment by the insurer on 03.01.1992 of Rs.46,474/-, which comprise as per the court direction to deposit of 50% of the award amount with interest and costs. Thus out of what the Tribunal award of Rs.61,580/-, 50% deposited is principal amount and the remaining is out of interest and costs. Thus from the principal amount due of Rs.75,440/- - Rs.30,790/- (which is 50% out of Rs.61,580/-) = Rs.44,650/- as principal amount due. Further interest from date of claim petition to date of above deposit on 03.01.1992 due is Rs.36,840/- + costs Rs.1,006/- = Rs.37,846/- and of which less Rs.15,684/- = Rs.22,162/- still also due towards interest and costs. Thus principal amount of Rs.44,650/- and interest and costs of Rs.22,162/- was due as on 04.01.1992. Thus interest on said principal amount of Rs.44,650/- $\times 12/100 \times 134/12 =$ Rs.59,831/-. The amount further deposited by the Insurer on 05.04.2003 was Rs.1,11,060/-. Out

of which, the previous interest amounts due of Rs.22,162/- + Rs.59,831/- = Rs.81,993/- when deducted, Rs.29,067/- to be deducted out of balance principal sum of Rs.44,650/- and that comes to Rs.15,583/-. Interest @ 12% thereon from 06.04.2003 to 06.01.2018 comes to Rs.15,583/- $\times 12/100 \times 177/12 = \text{Rs.}27,582/-$ payable on or before 06.01.2018 and out of it if at all any TDS deducted, the said deduction and the particulars are to be furnished by that date to the claimants to claim by submitting form No.16 and ask for refund. In the absence of such showing, the insurer has to deposit said amount else the executing court for its recovery with subsequent EP costs proceed further in the execution petition by virtue of this order.

Accordingly and in the result, the Civil Revision Petition is allowed in part.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 27.12.2017

Note: Issue C.C. by 30.12.2017

(B/o)

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