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

+ CM(M) 252/2017

BHIM SINGH

..... Petitioner

Through: Mr. Navin Kumar Jha, Advocate with
Mr. Pravin Kumar, Advocate

versus

ORIENTAL INSURANCE COMPANY LTD Respondent

Through: Mr. Pradeep Gaur, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.07.2017

This petition has brought out total mishandling of the administrative action required to be undertaken by the registry of this court and at the level of the Motor Accident Claims Tribunal in the wake of the award of compensation in favour of the petitioner which was upheld in appeal by this court way back on 19.08.2011. The petitioner is still awaiting the fruits of this litigation.

From the submissions filed by the insurance company on 03.07.2017 in response to the petition, it is revealed that it had deposited a cheque dated 26.02.2009 for sum of Rs.86,802/- in favour of Registrar General, Delhi High Court in terms of interim order in appeal (MAC APP.67/2009) passed on 02.03.2009. While filing the said appeal, statutory amount of Rs.25,000/- had been earlier deposited.

It appears the registry remitted both the said amounts by a common cheque of Rs.1,11,802/- dated 29.04.2009 in favour of the Tribunal mentioning the name of the presiding Judge as the payee while communicating directions for it to be put in fixed deposit. It also appears the said cheque dated 29.04.2009 was not deposited by the *nazir* of the Tribunal in the fixed deposit receipt. The cheque eventually became stale and is stated to have been returned by the Tribunal to this court and by this court to the counsel for the insurance company, who had no business to receive it in the first case. In the bargain assumably, both the said amounts should still be lying in the control of the registry of this court.

The petitioner himself is guilty of not pursuing the matter properly.

The Registrar General shall have an inquiry made and if the above facts are confirmed shall take steps to release the amount payable as compensation to the petitioner forthwith without it being routed through but under intimation to the Tribunal. The compliance shall be made positively within a week.

After the compliance with regard to payment of compensation to the petitioner has been made, the statutory deposit shall be refunded.

Petitioner counsel shall be duty bound to assist the Registrar General, or the officer nominated by him for enquiry, at each stage till the matter reaches logical conclusion.

The petition stands disposed of with these directions.

R.K.GAUBA, J.

JULY 06, 2017

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