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

Decided on: 07th July, 2017

\+ MAC.APP. 380/2009

ORIENTAL INSURANCE CO.LTD. ..... Appellant

Through: Mr. D.K. Sharma, Adv.

versus

SUBHASH CHAND & ORS. ..... Respondents

Through

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

<u>JUDGMENT (ORAL)</u>

1. The challenge to the judgment dated 16.05.2009 of the motor accident claims tribunal on the claim petition (05/2007) of the first respondent has become infructuous. The insurance company (appellant) had deposited the awarded amount with interest in the court. The learned single judge then dealing with the matter, by his order dated 22.09.2009, initially allowed release of Rs. 1 lakh in favour of the claimant. Later, against the backdrop of an application moved by him seeking further release so that he could set up a shop (he having suffered amputation of limbs), by a detailed order dated 08.03.2010, virtually with the consent of the insurance company, the entire balance amount stood released, partly by immediate deposit into the account of the claimant and rest by being invested into fourteen

fixed deposit receipts with different validity periods, the last being for a period of seven years with further directions that, upon maturity, the proceeds of such fixed deposit receipts would be automatically credited to the savings bank accounts of the beneficiaries. The entire amount, thus, would by now have been released to the claimant.

2. Given the fact that the claimant had suffered injuries resulting in amputation of one leg and the other leg having been crushed, rendering him paraplegic for life, the award in the total sum of Rs. 7,34,500/- cannot be grudged.

3. The appeal is dismissed with these observations.

4. The statutory amount shall be refunded.

R.K.GAUBA, J.

JULY07, 2017
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