$~5

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

% **Date of Decision: 09th May, 2017**

\+ MAC.APP. 361/2016 & CM No.15386/2016

ORIENTAL INSURANCE COMPANY LTD ..... Appellant
Through: Mr. Ravi Sabharwal, Adv.

versus

BASANTA RAM AND ORS ..... Respondents
Through: Mr. S.N. Parashar, Adv.

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

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.7,74,136/- has been awarded to respondent No.1.

2. The accident dated 06th February, 2012 resulted in the death of Tofli Devi. Respondent No.1 is the husband and respondents No.2 to 4 are the sons and respondents No.5 and 6 are the daughters of late Tofli Devi. The Claims Tribunal awarded Rs.7,74,136/- along with interest @ 12% per annum.

3. Learned counsel for the appellant urged at the time of hearing that the rate of interest be reduced from 12% to 9%. Learned counsel further urged that the age of the deceased was 68 years whereas the Claims Tribunal took the age as 60 years on the basis of post-mortem report.

4. Learned counsel for respondent No.1 submits that the Election

Card of the deceased was placed on record before the Claims Tribunal according to which the age of the deceased was 57 years.

5. This Court is of the view that compensation awarded to the respondents is just, fair and reasonable and it does not warrant any reduction. However, the rate of interest is reduced to 9% per annum.

6. The appeal is partially allowed to the extent that the rate of interest is reduced from 12% to 9% per annum. However, the award amount of Rs.7,74,136/- is upheld.

7. The appellant has deposited the entire award amount with the Claims Tribunal out of which Rs.3,02,975/- has been released to respondent No.1 and the balance amount of Rs.7,48,201/- is lying with the Claims Tribunal.

8. The Claims Tribunal is directed to disburse the balance amount by instructing the UCO Bank, Karkardooma Court Branch to keep Rs.6,00,000/- in 120 FDRs of Rs.5,000/- each in the name of respondent No.1 for the period 1 month to 120 months with cumulative interest.

9. The balance amount be released to respondent No.1 by transferring the same to savings bank account bearing No.1538000101588615 of respondent No.1 with Punjab National Bank, Trilok Puri Branch, Delhi.

10. The maturity amounts of the FDRs shall be credited in the savings bank account No.1538000101588615 with Punjab National Bank, Trilok Puri Branch, Delhi of respondent No.1.

11. All the original FDRs shall be retained by the UCO Bank, Karkardooma Court Branch. However, the statement containing FDR

number, FDR amount, date of maturity and the maturity amount be furnished to respondents No.1.

12. No cheque book or debit card be issued to the respondent No.1 without permission of this Court. However, in case, the debit card and/or cheque book have already been issued, the Punjab National Bank, Trilok Puri Branch shall cancel the debit card and/or cheque book.

13. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

14. Respondent No.1 is at liberty to approach this Court for release of further amount in case of any financial exigency.

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

MAY 09, 2017 **J.R. MIDHA, J.**

ak