

\$~

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

%

Date of Decision: 9th August, 2017

+ **MAC.APP. 993/2013**

HDFC ERGO GENERAL INSURANCE CO LTD Appellant

Through: Mr. Shrey Mehta, Advocate

versus

SHRI RATTAN KUMAR DWIVEDI & ORS Respondents

**Through: Ms. Shanta Devi Raman and Mr.
Arihant Jain, Advocates**

AND

+ **MAC.APP. 241/2016**

RATTAN KUMAR DWIVEDI & ORS Appellants

**Through: Ms. Shanta Devi Raman and Mr.
Arihant Jain, Advocates**

versus

**HDFC ERGO GENERAL
INSURANCE CO LTD & ORS Respondents**

**Through: Mr. Shrey Mehta, Advocate for
respondent No.1**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T

1. The Motor Accident Claims Tribunal has awarded compensation of Rs.10,40,000/- which is under challenge in these appeals. The appellant in MAC. APP. 993/2013 is seeking reduction whereas the appellants in MAC. APP. 241/2016 are seeking enhancement of the award amount to

Rs.66,55,000/-.

2. On 21st July, 2008 at about 09:00 AM, Apoorva Dwivedi left her house for her college and was standing at the central verge of the road near Tagore Garden Metro Station when she was hit by a Santro Car bearing No.HR-06Q-7117 which resulted in grievous injuries. Apoorva was first taken to Kukreja Hospital and thereafter, shifted to Maharaja Agrasen Hospital where she remained un-conscious and ultimately succumbed to the injuries six days later on 27th July, 2008. The police registered FIR No.370/2008 under Sections 279/304A IPC at P.S. Rajouri Garden.

3. The deceased was aged about 18 years (17 years 11 months and 27 days) at the time of the accident and was pursuing B.Com. (Hons.) from Bharti College, Delhi University. The deceased was survived by her parents and brother, who filed an application for compensation. The Claims Tribunal assumed the income of the deceased as Rs.10,000/- per month, deducted 50% towards her personal expenses and applied the multiplier of 14 to compute the loss of dependency as Rs.8,40,000/-. The Claims Tribunal awarded Rs.1,30,000/- towards medical expenses, Rs.25,000/- towards loss of love and affection, Rs.25,000/- towards pain and sufferings and Rs.20,000/- towards funeral expenses. The total compensation awarded is Rs.10,40,000/- along with interest @ 7.5% per annum from date of filing of petition.

4. Learned counsel for the appellant in MAC. APP. 993/2013 urged at the time of hearing that the deceased was unemployed and the income of the deceased be taken as minimum wages of Rs.4,393/- in respect of a graduate.

5. Learned counsel for the appellants in MAC. APP. 241/2016 urged that the earning capacity of the deceased be computed according to her ambition

to pursue MBA. Learned counsel for the claimants urged that the deceased had excelled in the field of sports and had won 86 certificates and prizes in athletics, track and field, gymnastics, baseball, soft ball, basketball, cricket etc. The deceased secured second place in team event at 40th Delhi State Gymnastics Championship, 2001. The deceased was selected as the best athlete of the year 2003-2004 at the school and as well as zonal level. The deceased secured first position in baseball in 52nd National School Games, 2006 conducted by School Games Federation of India. The deceased was sports captain for the academic year 2007-08 of Holy Child Senior Secondary School, Tagore Garden, New Delhi. PW-4 from Holy Child Senior Secondary School appeared and proved the certificates as Ex.PW-4/A. The deceased was giving two tuitions and was earning Rs.3,800/- per month which was proved by PW-1 and PW-2 who were paying her Rs.2,000/- and Rs.1,800/- per month respectively.

6. Learned counsel for the claimants urged that the earning capacity of the deceased be taken as Rs.50,000/- per month and 50% be added towards future prospects. Without prejudice, it is submitted that even assuming that the deceased would have completed B. Com (Hons.), she would have got the job in the range of Rs.25,000/- to Rs.30,000/- on the basis of her sports excellence. Reliance is placed on the employment notification of the Government of India dated 13/01/2017, Chief Commissioner of Customs which advertised the post of a Tax Assistant for the sports persons in the pay scale of Rs.25,000/- to Rs.81,000/-. Reliance is also placed on advertisement of Indo-Tibetan Border Police Force dated 1/10/2016 for the post of constable under the sports quota in the pay scale of Rs.21,700/- to Rs.69,100/- Reliance is also placed on advertisement of Hawkins for the job

of Management Trainees for fresh graduates in the pay scale of Rs.30,000/- to Rs.40,000/-. The claimants seek enhancement of compensation of pain and sufferings from Rs.25,000/- to Rs.1 lakh and the compensation for the loss of love and affection from Rs.25,000/- to Rs.1 lakh. The claimants also seek enhancement of rate of interest from 7.5% to 18% per annum.

7. The father of the deceased appeared in the witness box as PW-8 and deposed that the deceased was very hard working and bright girl and had achieved excellent laurels in sports as well as academics. PW-8 deposed that the deceased had started earning Rs.4,000/- to Rs.4,500/- per month since the year 2006 to 2007 by imparting tuitions to young children. According to him, the deceased was extremely confident girl and was aiming to pursue MBA and work in corporate world. PW-1, Mukesh Sahni proved that the deceased was teaching his three children during the year 2007-08 for which he was paying Rs.2,000/- per month. PW-2, Yogesh Jagia proved that the deceased was giving tuition to his two children for which he was paying Rs.1,800/- per month.

8. PW-4 from Holy Child Senior Secondary School proved the certificates, Ex.PW-4/B and Ex.PW-4/C with respect to the excellence of the deceased in sports. Ex.PW-4/B issued by the Principal of Holy Child Sr. Sec. School is reproduced hereunder:

*“HOLY CHILD SR. SEC. SCHOOL
Tagore Garden
New Delhi – 110027*

Apoorva Dwivedi was a student of Holy Child School. She was a good athlete and Sports head of School. As a student she was sincere, responsible and hardworking. She was interested in school programmes and participated in sports activities at intersection level and won various positions. She took part in

Relay race, Discuss throw, Shot put, Basket Ball, Javelin throw, Baseball and Cricket at zonal level and got 1st and 2nd positions; also took part in Softball Match and Discuss throw at National level and won 1st and 2nd position.

She always expressed her respect for staff and school mates.

*Sd/-
Principal*

Dated: 14.02.2008”

9. Ex.PW-4/C issued by Holy Child Senior Secondary School, Tagore Garden is reproduced hereunder:

*“HOLY CHILD SENIOR SECONDARY SCHOOL
TAGORE GARDEN, NEW DELHI – 110027*

Phone Off. : 5193922 / 5457879

RES. : 5192414

TO WHOMSOEVER IT MAY CONCERN

This is to certify that Miss Apoorva Dwivedi d/o Mr. Rattan Dwivedi and Mrs. Neeru Dwivedi, bearing Roll No.6235743 was a student of this school and she has obtained the following certificates:

- 1. Participation certificate for CBSE Basket Ball Tournament in the year 2004-05.*
- 2. First prize for Relay Race at Zonal Athletic meet in the year 2004-05.*
- 3. First prize for Zonal Basket Ball in the year 2005-06.*
- 4. Second Prize for Javelin throw at Zonal Athletic meet in the year 2005-06.*
- 5. Participation certificate for CBSE Basket Ball tournament in the year 2005-06.*
- 6. Runner's up in Zonal Basket Ball in the year 2006-07.*
- 7. Winners position in Zonal Cricket in the year 2006-07.*
- 8. Winners position in Zonal Baseball in the year 2006-07.*
- 9. Runner's up in Inter Zonal Baseball in the year 2006-07.*
- 10. Participation certificate for Baseball in 52nd National School Games in the year 2006-07.*

11. Participation certificate for Soft ball in 52nd National School Games in the year 2006-07.
12. Winner position for Baseball in 52nd National School Games in the year 2006-07.
13. Second position for Soft ball in 52nd National School Games in the year 2006-07.
14. All Rounder in sports in the year 2007-08.
15. Sports Head Prefect in the year 2007-08.
16. Second prize for Discuss throw in Zonal Athletic Meet in the year 2007-08.
17. First prize for Shot Put in Zonal Athletic Meet in the year 2007-08.
18. Second prize for Relay Race Zonal Athletic Meet in the year 2007-08.
19. First prize for Zonal Baseball.
20. First prize for Zonal soft ball.
21. Second prize for Zonal Basket ball.
22. Winners position for Golden Jubilee Soft ball Tournament.

I wish her God's Blessings and every succession in her future.

Sd/-
(SR. THERESE)
Principal
Holy Child Sr. Sec. School
Tagore Garden,
New Delhi-110027.

Dated: 11.06.2008

10. The claimants have relied upon an employment notification of the Commissioner of Customs for sportspersons, which is reproduced hereunder: -

“GOVERNMENT OF INDIA
OFFICE OF THE CHIEF COMMISSIONER OF CUSTOMS
15/1, STRAND ROAD, CUSTOM HOUSE, KOLKATA- 700 001

F.No.S51(Misc.)-272/2014-Estt.

Date 13-01-2017

EMPLOYMENT NOTIFICATION NO. 01/2017

APPLICATIONS ARE INVITED FROM MERITORIOUS SPORTS PERSONS IN DIFFERENT SPORTS DISCIPLINES MENTIONED AT TABLE-01 FOR APPOINTMENT IN THE GRADE OF TAX ASSISTANT, HAVALDAR AND MULTI TASKING STAFF IN THE PAY SCALES MENTIONED IN TABLE-02 UNDER THE JURISDICTION OF CHIEF COMMISSIONER OF CUSTOMS, KOLKATA ZONE.

THE DETAILS OF THE SPORTS DISCIPLINES AND NUMBER OF POSTS AND ELIGIBILITY CRITERIA ARE FURNISHED BELOW:-

<u>TABLE-01</u>		
SL. NO.	NAME OF THE SPORTS DISCIPLINE	TOTAL NUMBER OF VACANCIES
a)	FOOTBALL- MALE	19
b)	CRICKET- MALE	
c)	HOCKEY- MALE	

<u>TABLE-02</u>						
SL. NO.	NAME OF THE POST	CLASSIFICATION	PAY SCALE	NO. OF VACANCIES	ELIGIBILITY CONDITION	AGE
(i)	TAX ASSISTANT	General Central Service Group- 'C' non-Gazetted Ministerial	Level-4 (Rs.25,000- Rs.81,000) in the Pay Matrix, as per CCS (REVISED PAY) RULES, 2016	07	EDUCATIONAL QUALIFICATION Degree from a recognised University or equivalent	18-27 years. (the crucial date for determining the age shall be closing date of receipt of application from Candidate(s)) Note: Outstanding Sports persons may be allowed relaxation in upper age limit by 05 years (10 years for

						SC/ST candidate).
(ii)	HAVALDAR	General Central Service, Group- 'C' non-Gazetted Non-Ministerial.	Level-1 (Rs.18,000- Rs.56,900) in the Pay Matrix, as per CCS (REVISED PAY) RULES, 2016	09	EDUCATIONAL QUALIFICATION Matriculation or equivalent from any recognised Board. Note:- Candidates will be required to possess the physical standards and pass physical test as specified below: 1. Physical Standard (minimum):- Height:- 157.5 cms. (relaxable by 5 cms in the case of Garhwalis, Assamese, Gorkhas and members of the Schedule Tribe) Chest:- 81 cms (fully expanded with minimum expansion of 5 cms.). 2. Physical Test:- Walking-1600 Metres in 15 minutes Cycling- 8kms, in 30 minutes.	18-27 years. (the crucial date for determining the age shall be closing date of receipt of application from Candidate(s)) Note: Outstanding Sports persons may be allowed relaxation in upper age limit by 05 years (10 years for SC/ST candidate).
(iii)	MULTI TASKING STAFF (MTS)	General Central Service Group- 'C' non-Gazetted Ministerial	Level-1 (Rs.18,000- Rs.56,900) in the Pay Matrix, as per CCS (REVISED PAY) RULES, 2016	03	EDUCATIONAL QUALIFICATION Matriculation or equivalent from any recognised Board.	18-27 years. (the crucial date for determining the age shall be closing date of receipts of application from Candidates. Note: Outstanding Sports persons may be allowed relaxation in upper age limit by 05 years (10 years for SC/ST candidate).

2. ELIGIBILITY:-

The following categories of sports persons will be considered as meritorious and will be eligible for appointment subject to fulfilment of other conditions laid down below:-

Sportspersons who have represented:-

- (i) The country in an international competition;*
- (ii) A state in a national competition;*
- (iii) Their universities in the inter-university tournaments conducted by the inter-university Sport Board;*
- (iv) The State School teams in the national sports/games for schools conducted by the All India School Games Federation.*

3. Sportspersons, who claim to belong to any of the categories mentioned in Table-01 above, should produce a certificate in the prescribed Form No. 1 to 4 specified in Annexure-A and duly signed by the appropriate authorities as specified in Annexure-B. Departmental candidates should route their applications through proper channel.

4. The candidates will have to appear in the practical/field tests relevant to sports discipline they have applied for

- (a) While determining the proficiency in sports, the levels at which the candidate have participated in the respective disciplines and their current form will also be taken into account. For this purpose, they could also be subjected to practical/field test to be conducted by an expert in the respective discipline. Having regard to the requirements of the Commissionerates and the proficiency of the candidates in their respective sports discipline, a list of candidates in the order of their ranking will be drawn up.*
- (b) In addition to the above, the eligibility conditions as per the Recruitment Rules of the relevant posts, mentioned in TABLE-02, required being satisfied.*
- (c) No such appointments shall be made unless, the candidates is, in all respects, eligible for appointment to the post applied for, and in particular, with regard to age, educational qualification prescribed under the respective Recruitment Rules applicable to the post, except to the extent to which relaxations thereof have been permitted in respect of class/category of persons to which the applicant belongs.*

(d) *Probation Period:-*

The Probation period of all the above mentioned posts will be for 2 (two) years. The sports persons selected for the post of Tax Assistant required to pass the departmental examination on confirmation before completion of the Probation Period.”

11. The claimants have also relied upon the notification of Indian-Tibetan Border Police Force the post of constable under the sports quota. The relevant portion of their notification is reproduced hereunder:

“Indo-Tibetan Border Police Force”

(MINISTRY OF HOME AFFAIRS)

GOVT. OF INDIA

*RECRUITMENT TO THE POST OF CONSTABLE (GD) UNDER
SPORTS QUOTA*

Indo-Tibetan Border Police Force invites applications (Offline mode) from eligible male & female Indian citizens for filling up the 104 vacancies against the posts of Constable (GD), Group- ‘C’ non-gazetted as given below in the Level-3 in Pay Matrix Rs.21,700-69,100 (As per 7th CPC) and other allowances as admissible in the Force & revised from time to time:-

<i>Discipline/ Events</i>	<i>Vacancy (Male)</i>	<i>Vacancy (Female)</i>	<i>Total</i>	<i>Discipline/ Events</i>	<i>Vacancy (Male)</i>	<i>Vacancy (Female)</i>	<i>Total</i>
<i>Judo</i>	<i>06</i>	<i>05</i>	<i>11</i>	<i>Gymnastics</i>	<i>06</i>	<i>-</i>	<i>06</i>
<i>Taekwondo</i>	<i>03</i>	<i>-</i>	<i>03</i>	<i>Kabaddi</i>	<i>05</i>	<i>-</i>	<i>05</i>
<i>Wrestling</i>	<i>02</i>	<i>-</i>	<i>02</i>	<i>Athletics</i>	<i>15</i>	<i>10</i>	<i>25</i>
<i>Weightlifting</i>	<i>03</i>	<i>02</i>	<i>05</i>	<i>Rifle Shooting</i>	<i>07</i>	<i>05</i>	<i>12</i>
<i>Football</i>	<i>06</i>	<i>-</i>	<i>06</i>	<i>Karate</i>	<i>05</i>	<i>05</i>	<i>10</i>
<i>Boxing</i>	<i>04</i>	<i>-</i>	<i>04</i>	<i>Volley Ball</i>	<i>05</i>	<i>-</i>	<i>05</i>
<i>Ice Hockey</i>	<i>03</i>	<i>-</i>	<i>03</i>	<i>Ice Skiing</i>	<i>02</i>	<i>-</i>	<i>02</i>
<i>Archery</i>	<i>03</i>	<i>02</i>	<i>05</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>0</i>

<i>Total</i>	<i>30</i>	<i>09</i>	<i>39</i>	<i>-</i>	<i>45</i>	<i>20</i>	<i>65</i>
--------------	-----------	-----------	-----------	----------	-----------	-----------	-----------

2. **ELIGIBILITY CONDITIONS:-**

Age	<i>Between 18 to 23 years. (Cut off date for determining the age will be 31.10.2016) (Upper age limit is relaxable by 5 years for SC/ST and 03 years for OBC category candidates).</i>
Educational Qualifications	<i>Matriculation or 10th class pass from a recognized Board or University or equivalent.</i>
Sports Qualifications	<i>Sportspersons who have represented a State or the Country in the National or the International competition in any of the Games/Sports mentioned above.</i>
	<i>Sportspersons who have been awarded National awards in Physical Efficiency under the National Physical Efficiency Drive for the Sports/Games mentioned above.</i>
	<i>Sportspersons Junior (under eighteen age group) who have represented at National competition in any of the Games/Sports mentioned above.</i>
	<i>Sportspersons who have represented their University in the inter University tournaments conducted by the Inter-University Sports Boards in any of the sports/games mentioned above.</i>
	<i>Sportspersons who have represented the State School Teams in the National Sports/Games for School conducted by the all India School Games Federation in any of the Games/Sports mentioned above.”</i>

12. The claimants have also relied upon the advertisement of Hawkins which has offered salary of Rs.30,000/- to Rs.40,000/- to the sports persons.

Relevant portion of their advertisement is reproduced hereunder:-

“Fresher Openings with Hawkins Salary - Rs 30,000-40,000

Posted By: PLACEMENT OFFICER on 2:00 PM

*Hawkins hiring Management Trainees
Remuneration During Training
From Rs. 25,000 to Rs. 40,000 per month*

Founded in 1959, Hawkins Cookers Limited is a professionally managed, public limited company. In the calendar year 2009, sales were Rs. 289 crores and net profit after tax was Rs. 35 crores. The growth over the calendar year 2008 is 20% in sales and 128% in net profit after tax.

Hawkins is the leader in the pressure cooker market for the last 35 years and has diversified successfully into the cookware market. Hawkins has two offices in Mumbai (at Cuffe Parade and Mahim) and three factories (at Thane near Mumbai, Hoshiarpur in the Punjab and in Jaunpur District in U.P.)

Hawkins is known for its policies and ethical practices. Hawkins emphasizes incentive payments by results and selection and promotion purely on merit. Hawkins has a well-established Management Training Scheme for young men and women which leads to jobs in the management cadre in 18 months. After successful completion of training, individuals are confirmed with an appropriate increase in salary and benefits.

****Sales ****

Fresh Graduates are required as Sales Trainees to be posted in important towns in various parts of India. The job involves travelling intensively, managing dealers, modern retail and institutions and achieving sales targets. Over and above the monthly remuneration of Rs. 25,000, incentives up to 6 months salary are available upon target achievement.

****Marketing ****

Fresh graduates from management institutes with specialization in marketing shall start at Rs. 30,000 pm; graduates from top

institutes shall start at Rs. 40,000 pm. Persons with prior work experience may get an appropriately higher start. The job is based in Mumbai.”

13. There is no merit in the contention of the insurance company that the compensation be computed by taking the minimum wages of Rs.4,393/- as the income of the deceased. The law is well settled that it is not mandatory to resort to minimum wages to compute the compensation in each and every case. Reference be made to ***Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy***, AIR 2012 SC 100 in which 59 persons died in *Uphaar tragedy* in 1997 and the Supreme Court granted compensation of Rs.10,00,000/- to the victims above 20 years of age by taking their income as Rs.8,333/- per month whereas the minimum wages at the relevant time were less than Rs.2600/-. The findings of the Supreme Court are reproduced hereunder:-

“38. ... It can be by way of making monetary amounts for the wrong done or by way of exemplary damages, exclusive of any amount recoverable in a civil action based on tortious liability. But in such a case it is improper to assume admittedly without any basis, that every person who visits a cinema theatre and purchases a balcony ticket should be of a high income group person. In the year 1997, Rs. 15,000 per month was rather a high income. The movie was a new movie with patriotic undertones. It is known that zealous movie goers, even from low income groups, would not mind purchasing a balcony ticket to enjoy the film on the first day itself. To make a sweeping assumption that every person who purchased a balcony class ticket in 1997 should have had a monthly income of Rs. 15,000 and on that basis apply high multiplier of 15 to determine the compensation at a uniform rate of Rs. 18 lakhs in the case of persons above the age of 20 years and Rs. 15 lakhs for persons below that age, as a public law remedy, may not be proper. While awarding compensation to a large group of persons, by way of public law remedy, it will be unsafe to use a high income as the determinative factor. The reliance upon Neelabati Behera (AIR

*1993 SC 1960 : 1993 AIR SCW 2366) in this behalf is of no assistance as that case related to a single individual and there was specific evidence available in regard to the income. Therefore, the proper course would be to award a uniform amount keeping in view the principles relating to award of compensation in public law remedy cases reserving liberty to the legal heirs of deceased victims to claim additional amount wherever they were not satisfied with the amount awarded. **Taking note of the facts and circumstances, the amount of compensation awarded in public law remedy cases, and the need to provide a deterrent, we are of the view that award of Rs. 10 lakhs in the case of persons aged above 20 years and Rs. 7.5 lakhs in regard to those who were 20 years or below as on the date of the incident, would be appropriate.** We do not propose to disturb the award of Rs. 1 lakh each in the case of injured. **The amount awarded as compensation will carry interest at the rate of 9% per annum** from the date of writ petition as ordered by the High Court, reserve liberty to the victims or the LRs. of the victims as the case may be to seek higher remedy wherever they are not satisfied with the compensation. Any increase shall be borne by the Licensee (theatre owner) exclusively.”*

(Emphasis Supplied)

It is relevant to note that the *Uphaar* tragedy took place on 13th June, 1997 and the minimum wages at the relevant time were less than Rs.2600/- but neither the Division Bench of this Court nor Supreme Court resorted to minimum wages to compute the compensation although neither the income nor the occupation of the victims was proved.

14. In the present case, the deceased Apoorva Dwivedi was a student of B.Com (Hons.) at Bharti College, Delhi University. She was a sports person having won 86 prizes/certificates in athletics, track and field, gymnastics, baseball, soft ball, basketball, cricket etc. The deceased had secured second place in team event at 40th Delhi State Gymnastics Championship, 2001; best athlete of the year 2003-2004 at school and zonal level and first position

in baseball in 52nd National School Games conducted by School Games Federation of India held from 23rd December to 28th December, 2006. The deceased was sports captain of Holy Child Senior Secondary School, Tagore Garden, New Delhi for the academic year 2007-08. Judicial notice is taken of the notifications for government job for sports persons as well as advertisements in private jobs for sports persons, under which a graduate sports person can secure a job with a job in the pay scale of Rs.30,000/- to Rs.40,000/- per month. Considering that the deceased was a sports person with an extraordinary talent in various sports, namely, athletics, track and field, gymnastics, baseball, soft ball, basketball, cricket etc. and having been awarded 86 prizes/certificates, it is presumed that the deceased would have earned Rs.25,000/- per month after completing her graduation. Deducting 50% towards the personal expenses of the deceased and applying the multiplier of 14 according to the age of her mother, the loss of dependency is computed as Rs.21,00,000/- $[(Rs.25,000-50\%) \times 12 \times 14]$. The compensation for loss of love and affection is enhanced from Rs.25,000/- to Rs.1,00,000/-; and compensation for pain and suffering is enhanced from Rs.25,000/- to Rs.1,00,000/-. Adding Rs.1,30,000/- towards medical expenses and Rs.20,000/- towards funeral expenses, total compensation is computed as Rs.24,50,000/- $[21,00,000/- + 1,00,000/- + 1,30,000/- + 1,00,000/- + 20,000/-]$. The Claims Tribunal has awarded interest @ 7.5% per annum which is on a lower side considering that the Supreme Court as well as this Court are consistently awarding interest @ 9% per annum. The rate of interest is enhanced from 7.5% to 9% per annum.

15. MAC.APP. 241/2016 is allowed and the compensation amount is enhanced from Rs.10,40,000/- to Rs.24,50,000/- along with interest @ 9%

per annum from the date of filing of the claim petition till realization. MAC.APP. 993/2013 is dismissed.

16. HDFC Ergo General Insurance Company Ltd. is directed to deposit the enhanced award amount along with upto date interest with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Nirupama Dwivedi within 30 days.

17. Upon receipt the UCO Bank, Delhi High Court Branch is directed to disburse the aforesaid amount as under:-

- (a) Rs.15,00,000/- be kept in 120 FDRs of Rs.12,500/- each for the period of 1 month to 120 months respectively in the name of Nirupama Dwivedi along with cumulative interest.
 - (b) Rs.1,00,000/- be released to Nirupama Dwivedi and Rs.1 lakh be released to Rattan Kumar Dwivedi by transferring the same to their savings bank accounts near the place of their residence.
 - (c) The balance amount, after keeping Rs.15,00,000/- in FDR as mentioned in para 17 (a) and releasing Rs.1,00,000/- each to Nirupama Dwivedi and Rattan Kumar Dwivedi as mentioned in para 17(b) above, be kept in FDR in the name of Nirupama Dwivedi for 10 years. Upon maturity, the bank shall release the interest amount to Nirupama Dwivedi by transferring same to her savings bank account and the principal amount be kept in monthly FDRs of Rs.25,000/- each i.e. Rs.25,000/- for 1 month, Rs.25,000/- for 2 months and so on, in the name of Nirupama Dwivedi along with cumulative interest. Any amount short of Rs.25,000/-, if any, be released to Nirupama Dwivedi by transferring the same to her savings bank accounts near the place of her residence.
18. The maturity amounts along with cumulative interest of the FDRs be

transferred to the individual savings bank account of Nirupama Dwivedi near place of residence.

19. All the original FDRs shall be retained by Bank. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to claimants.

20. UCO Bank, Delhi High Court Branch shall ensure that the savings bank account of respondent is an individual account and not joint account.

21. No cheque book or debit card be issued to the claimants without permission of this Court. However, in case, the debit card/cheque book have already been issued, the Concerned Bank shall cancel the debit card and/or cheque book.

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

23. Liberty is given to the claimant to approach this Court for premature release of the amount in case of any financial exigency.

24. List for reporting compliance on 15th September, 2017.

25. Copy of this judgment be given *dasti* to learned counsels for the parties.

26. Copy of this judgment be sent to UCO Bank, Delhi High Court Branch.

AUGUST 9, 2017
ak

J.R. MIDHA, J.