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

% **Date of Decision: 15th February, 2017**

+ FAO 274/2016 & CM No.22231/2016

RELIANCE GENERAL INSURANCE CO LTD Appellant

Through: Mr. A.K. Soni, Adv.

versus

BHOLA YADAV & ORS Respondents

Through: Mr. Ajit Singh and Mr. S.K.
Singh, Advs. for R1.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the award of the Commissioner, Employee' Compensation whereby compensation of Rs. 9,02,070/- (Rs.5,74,024/- + Rs.3,28,046/-) has been awarded to respondent No.1.

2. The accident dated 7-8th December, 2012 resulted in 67% permanent disability to respondent No.1 with respect to his right lower limb portion. Respondent No.1 was employed with respondent No.2 at the time of accident and he incurred Rs.3,28,046/- on his treatment.

3. Learned counsel for the appellant urged at the time of hearing that there was no relationship of employer and employee between the respondents No.1 and 2. It is further submitted that the driver was holding a learner licence at the time of accident.

4. There is no merit in this appeal. That apart, no substantial question of law arises for consideration in this appeal. The appeal is

dismissed.

5. The appellant has deposited Rs.10,90,035/- with the Commissioner, Employee' Compensation out of which the Commissioner, Employee' Compensation has released Rs.45,017.50 to respondents No.1 and Rs.5,00,000/- has been directed to be kept in is fixed deposit in his name for a period of three years with State Bank of India, Punjabi Bagh East, New Delhi. The balance amount of Rs.5,40,517.71 has been kept in FDR in the name of Commissioner, Employee' Compensation.

6. The Commissioner, Employee' Compensation is directed to discharge the FDR for Rs.5,40,517.71 and direct State Bank of India, Punjabi Bagh East branch to keep Rs.5,00,000/- in FDR in the manner stated in para 9 below and the balance amount, after keeping Rs.5,00,000/- in FDR, be released to respondent No.1 by transferring the same to this savings bank account No.35799334014 with State Bank of India, Punjabi Bagh East, Delhi

7. State Bank of India is directed to discharge FDR No.35843952338 for Rs.5,00,000/- in the name of respondent No.1 and consolidate the principal amount of Rs.5,00,000/- with Rs.5,00,000/- mentioned in para 6 above. However, the interest accrued on this FDR be released to respondent No.1.

8. The consolidated amount of Rs.10,00,000/- (Rs.5,00,000/- from FDR mentioned in para 6 and Rs.5,00,000/- from the FDR in para 7) be kept in 100 FDRs of Rs.10,000/- each in the name of respondent No.1 for the period 1 month to 100 months respectively with cumulative interest.

9. The original FDRs shall remain with State Bank of India. However, the Bank shall provide the statement containing the FDR number, FDR amount, date of maturity and maturity amount to respondent No.1.

10. The maturity amount of the FDRs along with interest be transferred to the savings bank account of respondent No.1 with State Bank of India, Punjabi Bagh.

11. Respondent No.1 has three children. Whenever the marriage of any child of respondent No.1 is fixed, respondent No.1 shall approach the bank with the affidavit and the marriage card whereupon the bank shall, after verification, pre-maturely discharge the last 15 FDRs of Rs. 10,000/- each i.e. Rs.1,50,000/- along with accrued interest, at the time of marriage of each child.

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

FEBRUARY 15, 2017
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J.R. MIDHA, J.