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

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

+ **W.P.(C) 10288/2016 & CM No.40532/2016**

ABHIJIT BANERJI Petitioner
Through: Mr. Ravjyot Singh and Ms.
Saakshi Agrawal, Advs. with
petitioner in person.
versus

STATE OF NCT OF DELHI & ANR Respondents
Through: Respondents No.3 and 4 in
person.
Mr. Anupam Sirvastava, ASC
for GNCTD with Ms.
Nihariaka, Adv.
Mr. Sanjoy Ghose, Additional
Standing Counsel as amicus
curiae with Ms. Pratishtha Vij,
Adv.

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

JUDGMENT (ORAL)

1. Mr. Subal Biswas, son of late Mamta Biswas and Ms. Swapna Pal, daughter of late Mamta Biswas are present in Court and they are impleaded as respondents No.3 and 4. The amended memo of parties be filed by the petitioner within three days.
2. The petitioner present in Court along with his counsel has settled the matter with newly added respondents No.3 and 4 with the assistance of Mr. Anupam Srivastava, learned Additional Standing

Counsel for GNCTD and Mr. Sanjoy Ghose, learned amicus curiae.

3. As per the said settlement, the petitioner has agreed to pay a further sum of Rs.3,00,000/- to respondents No.3 and 4 in full and final settlement of all the claims arising out of the death of late Mamta Biswas. This settlement amount is over and above the amount of Rs.84,000/- already paid by the petitioner to respondents No.3 and 4 after the death of Mamta Biswas.

4. Respondents No.3 and 4 submit that they are the only legal heirs of their mother, late Mamta Biswas. It is further submitted that their father who had re-married after abandoning their mother, is not entitled to any share in the compensation. They further undertake to keep the petitioner indemnified if any other person raises a claim for the compensation.

5. The settlement between the parties is fair and reasonable and is taken on record. As per the settlement, the petitioner shall pay Rs.10,000/- to respondent No.3 and Rs.10,000/- to respondent No.4 in cash within three days. The petitioner shall deposit the balance amount of Rs.2,80,000/- with State Bank of India, Tis Hazari Courts Branch by means of a cheque drawn in the name of State Bank of India A/c Subal Biswas.

6. Upon the aforesaid amount being deposited, State Bank of India shall transfer (i) Rs.20,000/- to savings bank account No.35093171853 of Subal Biswas with State Bank of India, Link Branch Santipur, (IFSC Code- SBIN0000176), MICR Code 741002404, SBI Kiosk Banking, Bagdebipur, Santipur, Nadia (ii) Rs.20,000/- to savings bank account No.34668845992 of Swapna Pal with SBI, Gobindapur,

Santipur, Nadia Branch, (IFSC Code- SBIN-0000176), MICR Code 741002404.

7. State Bank of India, Tis Hazari Courts Branch shall keep the balance amount of Rs.2,40,000/- in fixed deposit in the following manner:-

(i.) 30 FDRs of Rs.4,000/- each (Total – Rs.1,20,000/-) in the name of Respondent no.3 (Subal Biswas) for the periods 1 month to 30 months with cumulative interest.

(ii.) 30 FDRs of Rs.4,000/- each (Total – Rs.1,20,000/-) in the name of Respondent no.4 (Swapna Pal) for the periods 1 month to 30 months with cumulative interest.

8. The maturity amount of the said FDRs shall be automatically transferred by SBI to the respective savings bank accounts of beneficiaries without insisting on their personal appearance at the time of maturity.

9. All the original FDRs shall be retained by SBI. However, the photocopies of the same shall be provided to respondents No.3 and 4.

10. Respondents No.3 and 4 shall approach the SBI Bank, Tis Hazari Courts Branch for completing the formalities for the disbursement of the amount in terms of this order.

11. This petition and pending applications are disposed of in terms of the settlement between the parties.

12. In view of the settlement between the parties, the Commissioner, Employees' Compensation shall close the compensation case bearing reference No.CEC/D/SD/31/2016/10113.

13. This Court appreciates the assistance rendered by the petitioner's counsel, Mr. Anupam Srivastava, learned standing counsel for GNCTD and Mr. Sanjoy Ghose, learned amicus curiae in this matter.

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

JANUARY 09, 2017
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J.R. MIDHA, J.

