

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.R.P.Nos.1775, 1788 AND 1803 OF 2019

COMMON ORDER:

C.R.P.Nos.1775 and 1803 of 2019:

Since the subject matter involved in both these Civil Revision Petitions is one and the same, they are being disposed of by this common order.

2. C.R.P.No.1775 of 2019, under Article 227 of the Constitution of India, is filed by the revision petitioners/claimants aggrieved by the order, dated 17.04.2019, passed in I.A.No.280 of 2018 in O.P.No.458 of 2007 by the II Additional District Judge, Karimnagar at Jagtial, wherein the Court below has dismissed the subject Interlocutory Application filed by the revision petitioners/claimants seeking to permit revision petitioner No.1/claimant No.1 to withdraw the balance compensation amount of Rs.1,32,750/- along with accrued interest thereon, falling to her share.

3. C.R.P.No.1803 of 2019, under Article 227 of the Constitution of India, is filed by the revision petitioners/claimants aggrieved by the order, dated 17.04.2019, passed in I.A.No.279 of 2018 in O.P.No.450 of 2007 by the II Additional District Judge, Karimnagar at Jagtial, wherein the Court below has dismissed the subject Interlocutory Application filed by the revision petitioners/claimants seeking to permit revision petitioner No.1/claimant No.1 to withdraw the balance compensation

amount of Rs.1,25,000/- along with accrued interest thereon, falling to her share.

4. Heard learned counsel for the revision petitioners/claimants and the learned Standing Counsel for respondent No.3/Insurance Company and perused the record.

5. It has been contended on behalf of the revision petitioners/claimants that though there is an order of withdrawal passed by this Court in M.A.C.M.A.Nos.3790 and 3885 of 2012, dated 30.01.2014, the revision petitioners/claimants were not permitted to withdraw their respective share amounts deposited to the credit of the subject O.Ps. on 06.05.2014. There is no prohibitory order against the revision petitioners/claimants from withdrawing the amounts deposited, as indicated above. There is no serious contest on these points by the other side, particularly respondent No.3/Insurance Company.

6. The operative portion of the common judgment, dated 30.01.2014, rendered in M.A.C.M.A.Nos.3790 and 3885 of 2012 reads as follows:

“Accordingly and in the result, while allowing the appeal in part with joint and several liability of the insurer and insured (respondents 1 to 3) to pay by the insurer and then to recover. The respondents shall deposit said amount within one month, failing which the claimant can execute and recover. It is made clear from the settled expressions of the Apex Court in *Lehru (Supra)* & *Nanjappan (supra)* that the insurer is entitled, while depositing the amount payable, if not deposited or paid any amount so far

to deposit in bank to approach the Tribunal to direct the RTA concerned not to register any transfer of the crime vehicle and to seek for attachment of the crime vehicle or other property of the insured as an assurance for execution and recovery in the same proceedings or under revenue recovery as per the MV Act, 1988 and also ask the Tribunal not to disburse the deposited amount to claimant (but for to invest in a bank) till such attachment order is made. However, after the same, the Tribunal shall not withhold the amount of the claimant, if there is any necessity to permit for any withdrawal but for to invest the balance in fixed deposit in a nationalised bank. Rest of the terms of the award of the Tribunal holds good. There is no order as to costs.”

7. From a perusal of the above judgment, it is clear that this Court did not restrain the revision petitioners/claimants from withdrawing the amounts deposited in the subject O.Ps. by respondent No.3/Insurance Company. This Court was pleased to make an observation that if the crime vehicle is not attached, respondent No.3/Insurance Company is entitled to move an application to stop the disbursement of the said amount, but, however, finally this Court concluded that the amounts, which are deposited by respondent No.3/Insurance Company are payable to the revision petitioners/claimants.

8. In the course of submissions, it is brought to the notice of this Court that so far respondent No.3/Insurance Company did not take any steps to attach the crime vehicle bearing No.AP-15-W-8060 and did not choose to file any application restraining the revision petitioners/claimants from withdrawing the amounts

already deposited on 06.05.2014. Further, it is brought to the notice of this Court that the amounts deposited by respondent No.3/Insurance Company are not yet invested in F.D.R. It appears, it is a serious lapse on the part of the Tribunal in not depositing the said amount in the bank, in spite of the orders passed by this Court.

9. Since, there is no order restraining the revision petitioners/claimants from withdrawing the amounts already deposited to the credit of the subject O.Ps., the Tribunal is directed to disburse the entire amount lying to the credit of subject O.Ps., in terms of the decrees, dated 21.09.2010, passed by it, in favour of the revision petitioners/claimants, without insisting for any security, on filing fresh applications.

10. Accordingly, C.R.P.Nos.1775 and 1803 of 2019 are ordered.

C.R.P.No.1788 of 2019:

11. Revision petitioners/claimants in C.R.P.No.1775 of 2019 also filed C.R.P.No.1788 of 2019 aggrieved by the order, dated 17.04.2019, passed in I.A.No.281 of 2018 in O.P.No.458 of 2007 by the II Additional District Judge, Karimnagar at Jagtial, wherein the Court below has dismissed the subject Interlocutory Application filed by the revision petitioners/claimants seeking to permit revision petitioner No.4/claimant No.4 to withdraw the

balance compensation amount of Rs.25,000/- along with accrued interest thereon, falling to his share.

12. Learned counsel for the revision petitioners/claimants would submit that since the request of revision petitioners /claimants is considered in C.R.P.No.1775 of 2019, the revision petitioners/claimants are not pressing this Civil Revision Petition.

13. Recording the same, C.R.P.No.1788 of 2019 is dismissed as not pressed.

Miscellaneous Petitions, if any, pending in these Civil Revision Petitions shall stand closed. There shall be no order as to costs.

December 30, 2019.
MD

Dr. SHAMEEM AKTHER, J

