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

Date of decision: 17.07.2023

+ **MAC.APP. 669/2018**

FUTURE GENERALI INIDA INSURANCE CO LTD

..... Appellant

Through: Mr.Y.K.Bhardwaj, proxy counsel.

versus

MAHESH KUMAR & ORS

..... Respondents

Through: Mr.Ram Lal, Adv. for R-1-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 35727/2023

1. The appellant withdrew the appeal before the learned National Lok Adalat on 21.08.2022. As recorded in the order dated 21.08.2022 of the National Lok Adalat, the amount deposited by the appellant in terms of the Impugned Award before the learned Registrar General of this Court, was directed to be disbursed amongst the claimants in equal proportion in terms of the Award passed by the learned Motor Accidents Claims Tribunal (in short 'MACT'), subject to verification and after following due procedure.



2. Thereafter, on an application filed by the respondent No.2, being CM No. 23765/2023, this Court by its order dated 09.05.2023 directed as under :

“5. In the light of the aforesaid and the fact that this Court had already directed release of the deposited amount in favour of the claimants, the application is allowed. The Registry is directed to transfer the amount deposited by the appellant in the present appeal, to the learned MACT, North West, Rohini Courts in Suit No. 450/2016, for release to the claimants as per law.”

3. The appeal was again listed before this Court on an Office Noting dated 24.05.2023 by which the Registry stated that the Cash Branch vide Office Note dated 20.05.2023, has informed as under:

“Pursuant to the above directions, the instant case was sent to Cash branch for compliance. The Cash branch vide office note dated 20-05-2023 has returned the case file with a request to apprise the Hon'ble Court that since the amount has already been released/kept in favour of beneficiaries in terms of scheme of disbursement specified in the award of the Ld. Tribunal and that the FDRs so kept in their favour, shall be released as and when it matures, it will be difficult for the Cash-II Branch to transfer the amount deposited by the appellant to the learned MACT, North West, Rohini Courts.

In view of the above, if approved, the case may be sent to listing branch with request to list the case before the Hon'ble Court for appropriate orders.”

4. Notice was therefore, issued to the respondents on this Office Note, vide order dated 01.06.2023.





5. The respondent nos.1 and 2 have now filed the present application, praying that the learned Registrar General of this Court be directed to release the entire remaining awarded amount along with interest accrued thereupon, to the respondent Nos.1 and 2.
6. As the Cash Branch has expressed its inability to transfer the awarded amount lying deposited with it to the learned MACT, I find no reason not to grant the prayer made in the present application.
7. Accordingly, the learned Registrar General of this Court is directed to release the awarded amount lying deposited with this Court, in accordance with the Schedule prescribed in the Award dated 28.03.2018, passed by the learned Motor Accidents Claims Tribunal (South East-01), Saket Court, New Delhi, in Suit No. 450/2016, in favour of the claimants.
8. The application is disposed of with the above directions.

JULY 17, 2023
RN/ss

NAVIN CHAWLA, J