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

Date of decision: 05.12.2023

\+ **CM(M) 1988/2023**

BIMLA UNIYAL ..... Petitioner

Through: Mr.Varun Kathuria, Adv. (through VC)

versus

RELIANCE GENERAL INSURANCE CO. LTD.

..... Respondent

Through: Mr.Shoumik Mazumdar, Ms.Urfia Shafiq and Ms.Bhagyashri, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 20.04.2023 (hereinafter referred to as the Impugned Order) passed by the learned Motor Accidents Claims Tribunal, South District, Saket Courts, New Delhi (hereinafter referred to as 'Tribunal') in MACT No. 80/2010, titled ***Bimla Uniyal v. Reliance General Insurance Company Limited***, and praying for immediate release of the entire awarded amount, which is presently invested in the form of Fixed Deposit Receipts (in short 'FDR'), in favour of the petitioner herein.

2. The above Claim Petition was filed by the petitioner claiming compensation for the tragic death of the son of the petitioner in a motor vehicular accident on 22.02.2009. By an Award dated 13.02.2012, the learned Tribunal awarded a compensation of Rs.5,88,169/- along with interest at the rate of 7.5% per annum in favour of the petitioner. In an appeal filed by the petitioner, by the judgment dated 24.11.2017, the compensation amount was enhanced to a sum of Rs.29,46,000/-. It was further directed as under:

> *"11. It is directed that the entire enhanced portion of the award with corresponding interest shall fall to the share of the first claimant/Bimla Uniyal (mother) only, it to be released to her in the form of fixed deposit receipt taken out from a nationalized bank for a period of ten years with right to draw periodic interest. The insurer is directed to satisfy the award by requisite deposit with the tribunal within 30 days making it available to be released to the claimant."*
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> (Emphasis supplied)

3. On applications filed by the petitioner, the learned Tribunal released a sum of Rs.10,00,000/- and thereafter another sum of Rs.8,00,000/- in favour of the petitioner, vide Orders dated 17.05.2018 and 20.02.2020 respectively.

4. The petitioner filed another application on 12.04.23, seeking release of the balance compensation amount.

5. By way of the Impugned Order, the learned Tribunal directed release of another sum of Rs.1,00,000/- along with interest in favour of the petitioner herein.

6. The learned counsel for the petitioner submits that the petitioner and her husband, both are senior citizens and are suffering from various ailments. He submits that, therefore, immediate release of the balance amount of around Rs.18,00,000/-, which is lying in the form of FDRs, is prayed for.

7. The learned counsel for the respondent, who appears on advance notice, submits that this would be a matter between the Court and the petitioner.

8. Keeping in view the overall circumstances including the direction of this Court contained in the Order dated 24.11.2017 and the subsequent pre-mature release of sum of Rs.18,00,000/- in favour of the petitioner, the present petition is disposed of directing that instead of Rs.1,00,000/-, a sum of Rs.5,00,000/- along with the interest accrued thereon be released and transferred in the Savings Account of the petitioner through electronic mode with immediate effect.

9. The Manager of State Bank of India, District Court, Saket Branch is directed to comply with this order.

10. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

DECEMBER 5, 2023/ns

Click here to check corrigendum, if any