

**(2007) 12 AHC CK 0133**

**Allahabad High Court**

**Case No:** None

Parmanand Singh and Another

APPELLANT

Vs

Smt. Kaushilya Devi and Others

RESPONDENT

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**Date of Decision:** Dec. 3, 2007

**Citation:** (2008) 2 AWC 1650

**Hon'ble Judges:** S.P. Mehrotra, J

**Bench:** Single Bench

**Final Decision:** Disposed Of

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### **Judgement**

S.P. Mehrotra, J.

Case called out in the revised list. Sri M. D. Singh Shekhar, learned senior counsel appearing for the appellants, is present. None is present on behalf of the respondents.

2. I have heard Sri M.D. Singh Shekhar, learned senior counsel appearing for the appellants, and perused the record.

3. The present appeal has been filed against the award dated 13.4.2006, passed by the Motor Accident Claims Tribunal/Additional District Judge (Court No. 2), Ghazipur whereby an amount of Rs. 1,67,000 alongwith interest at the rate of 6% per annum from the date of filing of the claim petition, has been awarded.

4. It appears that on 7.8.2006, the appeal was admitted and an interim order was granted by this Court. The said order dated 7.8.2006 is reproduced below:

Admit.

Issue notice.

Respondents No. 1 to 5 are represented by Sri R.K. Singh and Sri A. P. Misra, advocates.

From perusal of the award passed by the Claims Tribunal, it is clear that appellants have deposited a sum of Rs. 75,000 before the Claims Tribunal, out of which Rs. 50,000 has already been paid to the claimant respondents and Rs. 25,000 has been deposited in fixed deposit.

Until further orders of the Court, operation of the impugned award shall remain stayed, provided the appellants deposit the entire balance of the awarded amount with the Claims Tribunal within three months from today, out of which a sum of Rs. 10,000 will be paid to the claimant-respondents without furnishing any security. Rest of the amount shall be kept in any nationalized bank in an interest bearing account.

The amount of statutory deposit made before this Court shall be remitted to the Claims Tribunal within three weeks from today, which shall be adjusted towards Use deposit to be made by the appellant.

5. It further appears that pursuant to the said interim order dated 7.8.2006, the entire aforesaid amount of Rs. 1,67,000 has been deposited by the appellants before the Claims Tribunal. However, no amount has been deposited in respect of the interest awarded under the impugned award.

6. In the circumstances, the Claims Tribunal by its order dated 17.3.2007 required the appellants to deposit interest also within a period of one month from the date of the said order, namely, 17.3.2007.

7. Thereupon, the appellants filed recall application dated 3.4.2007 (Paper No. 20Ga) before the Claims Tribunal, Inter alia, praying for recalling the said order dated 17.3.2007.

8. By the order dated 25.8.2007, the Claims Tribunal rejected the said application and required the appellants to comply with the said order dated 17.3.2007 within 7 days.

9. Thereafter, the aforesaid application has been filed on behalf of the appellants before this Court.

10. It is submitted by Sri M.D. Singh Shekhar, learned senior counsel appearing for the appellants that as per the terms and conditions of the said interim order dated 7.8.2006, the appellants were not required to deposit the interest awarded under the impugned award.

11. Having considered the submission made by Sri M.D. Singh Shekhar, learned senior counsel appearing for the appellants, I find myself unable to accept the same.

12. A perusal of the interim order dated 7.8.2006, shows that "the entire balance of the awarded amount" was required to be deposited with the"" Claims Tribunal within three months from the date of the said order namely, 7.8.2006.

13. The words "awarded amount" evidently include the amount of interest awarded under the impugned award.

14. Therefore, the appellants were<sup>^</sup> required to deposit the amount of" interest also as awarded under the impugned award in order to comply with the terms and conditions of the said interim order dated 7.8.2006.

15. In my opinion, the Claims Tribunal has rightly passed the aforesaid orders dated 17.3.2007 and 25.8.2007.

16. Sri M.D. Singh Shekhar, learned senior counsel appearing for the appellants then submitted that reasonable time may be granted to the appellants to deposit the amount of interest also as per the terms and conditions of the said interim order dated 7.8.2006.

17. Having regard to the facts and circumstances of the case and having considered the submissions made by Sri M.D. Singh Shekhar, learned senior counsel appearing for the appellants, two months" further time is granted to the appellants for depositing the amount of interest as awarded under the impugned award in order to comply with the terms and conditions of the said interim order dated 7.8.2006.

18. The amount so deposited by the appellants will be invested as per the terms and conditions contained in the said interim order dated 7.8.2006.

19. A copy of this order will be issued to the learned Counsel for the appellants within a week on payment of usual charges.

20. The aforesaid application, namely, Civil Misc. Application No. 259349 of 2007 stands disposed of accordingly.