

Mangibai and Others Vs Suresh Patel and Others

Court: Madhya Pradesh High Court (Indore Bench)

Date of Decision: Feb. 29, 2000

Acts Referred: Motor Vehicles Act, 1988 " Section 168

Citation: (2001) ACJ 1117 : AIR 2001 MP 34 : (2000) 2 JLJ 414 : (2000) 2 MPHT 357 : (2000) 3 MPLJ 51

Hon'ble Judges: J.G. Chitre, J

Bench: Single Bench

Advocate: V.K. Jain, for the Appellant;

Judgement

@JUDGMENTTAG-ORDER

J.G. Chitre, J.

Shri V.K. Jain for the petitioners.

Notice has been sent to Insurance Company. This is a Revision petitioner and the point involved is disbursement of the compensation amount

which has been awarded to the claimants of deceased victim. Mangibai happens to be the widow of deceased Keshuram. Claimant Hemaji is the

father of deceased Keshuram and claimant Smt. Bardibai is his mother. The M.A.C.T. Manasa directed that the amount of Rs. 30,570/- be given

to Mangibai but out of that Rs. 10570/- should be given to her in cash and remaining amount of Rs. 20,000/- be deposited in Fixed Deposit of six

years term. The M.A.C.T. directed that the amount of compensation awarded to the minors be deposited in Fixed Deposit in their names for

protecting their interest. An application was moved by Mangibai for getting the said amount released to her for maintaining the minor children. The

M.A.C.T. Manasa, dismissed that application and, therefore, the petitioners have approached this Court, more particularly Managibai, Hemaji &

Bardibai.

Shri V.K. Jain, counsel appearing for them submitted that Mangibai has to bring up the minor children, four in number in these hard days of

escalating prices and she is not able to do it by utilising the sum of Rs. 10,570/-. He submitted that keeping in view the ages of parents of deceased

Keshuram they be given the amount for the purpose of utilising it for their old age. He pointed out that Rs. 10,000/- have been given to both of

them in cash. The directions given by the Supreme Court in General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs.

Susamma Thomas and others, are to be applied to the cases coming before the M.A.C.T. keeping in view facts of each case. There cannot, be a

hard and fast rule applicable to all the cases. Some claimants may be needy and some may not be needy. Some claimants may be having their

urgent needs and if the amount which has been awarded to them as compensation is not released for using it at the time of difficult situation, there

would be nothing else but hard-ship to such hapless claimants. The M.A.C.T. has to act with a broader approach and has to inform itself about the

realities of the life and difficulties of the poor villagers and poor persons. Stitch in times saves nine has to be kept in mind. One in the nest is always

better than two in bushes is to be understood properly. If such amount is not released for meeting urgent needs of such hapless claimants they

would be thrown to village and even a city shylocks. After getting into the net of these shylocks, every day and night would be a nightmare

constantly to them and that would be nothing but dooming them for ever by adopting an unreasonable attitude.

This Court has made it clear in previous judgments also that the justice is to be administered in proper spirit and for the purpose of giving solace to

the litigants. A computerised mechanical emotionless order would not carry the flag ahead which benevolent spirit of the enactment has indicated.

The optimum utilisation has to be always obtained by Informing one-self with bitter realities of the life. Such hapless claimants should not be

permitted to see the dreams of increasing interest in the Bank accounts with fire of hunger in the stomach. Widows, female minors would not be left

on streets in scorching bitterness of the present life searching for sanctuary for the purpose of maintaining their spirit virtues and souls intact, if these

things are lost then what remains for giving them a beaming sunshine of the future? Unfortunately, the learned Member of the Tribunal has lost sight

of all these reasonable realities of the life and therefore, has landed in error. This Court is left with no alternative but to modify the impugned order

for the purpose of achieving the benevolent directions which have been indicated by the judgment of the Supreme Court in General Manager,

Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, in real spirit keeping in view facts of the present

case.

Thus, the order stands set aside and modified. The Tribunal is hereby directed to release the amount which has been awarded as compensation to

Mangibai, Hemaji and Smt. Bardibai. But that has to be given to them by Crossed Cheques for the purpose of avoiding the possibilities of its

leakage, as far as possible.

Thus, petition stands disposed of with no order as to cost.