

Copy of Order

Most urgent

D-6

21-03-2024

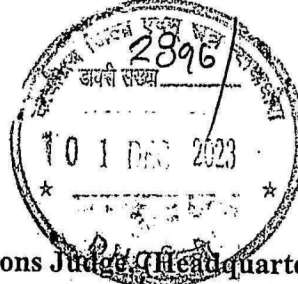
IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 44952-X

Dt. 29-11-23

From:-

The Registrar General,
Delhi High Court,
New Delhi.



To,

1. The Principal Distt. & Sessions Judge (Headquarters), Central, THC, Delhi
2. The Principal Distt. & Sessions Judge, West, THC, Delhi
3. The Principal Distt. & Sessions Judge, East, KKD Courts, Delhi
4. The Principal Distt. & Sessions Judge, Shahdara, KKD Courts, Delhi
5. The Principal Distt. & Sessions Judge, North-East, KKD Courts, Delhi
6. The Principal Distt. & Sessions Judge, North, Rohini Courts, Delhi
7. The Principal Distt. & Sessions Judge, North-West, Rohini Courts, Delhi
8. The Principal Distt. & Sessions Judge, South, Saket Courts, New Delhi
9. The Principal Distt. & Sessions Judge, South-East, Saket Courts, New Delhi
10. The Principal Distt. & Sessions Judge, (S-W) Dwarka Courts, New Delhi
11. The Principal Distt. & Sessions Judge, New Delhi Distt., PHC, New Delhi
12. The Presiding Officer, MACT, Central, Tis Hazari Courts, Delhi
13. The Presiding Officer, MACT-02, Central, Tis Hazari Courts, Delhi
14. The Presiding Officer, MACT, West, Tis Hazari Courts, Delhi
15. The Presiding Officer, MACT-02, West, Tis Hazari Courts, Delhi
16. The Presiding Officer, MACT, Shahdara, KKD Courts, Delhi
17. The Presiding Officer, MACT, East Distt, KKD Courts, Delhi
18. The Presiding Officer, MACT, North-East, KKD Courts, Delhi
19. The Presiding Officer, MACT, North, Rohini Courts, Delhi
20. The Presiding Officer, MACT, North-West, Rohini Courts, Delhi

Judh. Br. / Gen. Br.
30/11/23

21. The Presiding Officer, MACT, South, Saket Courts, New Delhi
22. The Presiding Officer, MACT, South-East, Saket Courts, New Delhi
23. The Presiding Officer, MACT, (South-West) Dwarka Courts, New Delhi
24. The Presiding Officer, MACT, New Delhi Distt., PHC, New Delhi
25. The Manager, UCO Bank, Delhi High Court Br., New Delhi
26. The Manager, UCO Bank, Patiala House Courts, New Delhi
27. The Manager, State Bank of India, Tis Hazari Courts, Delhi
28. The Manager, UCO Bank, Karkardooma Courts, Delhi
29. The Manager, State Bank of India, Rohini Courts, Delhi
30. The Manager, State Bank of India, Saket Courts, New Delhi
31. The Manager, State Bank of India, Dwarka Courts, Delhi

Case No. MACA No. 202/2021

UP State Road Transport Corp.

Appellants

Vs.

Smt. Durmila Mandal and Ors.

Respondent

Appeal against the order dated 05-12-2020

passed by Sh. M. K. Nagpal, PO, MACT, Patiala House Courts, New Delhi


in MACP No. 112/17

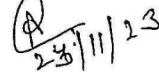
Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of the order dt. 20-11-2023 passed by Hon'ble Mr. Justice Navin Chawla of this Court in the above noted case.

Please acknowledgement receipt.

Yours faithfully,


Admn. Officer (J) C-IV
For Registrar General



IN THE HIGH COURT OF DELHI AT NEW DELHI
APPELLATE JURISDICTION

MACA. NO. 20² OF 2021

MEMO OF PARTIES

U.P. State Road Transport Corporation
Through its Regional Manager,
Ghaziabad Region,
Kaushambi, Ghaziabad, U.P.

..... Appellant

Versus

1. Smt. Durmila Mandal
W/o Sh. Parbhu Mandal,

*Counsel For Appellant
complete address on PF*

2. Parbhu Mandal
S/o Bhikaari Mandal,
Both resident of 13 Servant Quarter,
Officers Flats, Wellesley Road, New Delhi

*Vide Dy. No. 1581081/23 dt.
29/8/23 in Part-B at Pg.
No. 8.*

.....Contested Respondent

3. Pardeep Kumar
Son of Late Ramesh Chanra
Resident of Village Saidpur Bhaghauri,
Post Anjani, Malnpuri, Uttar Pradesh

.....Proforma Respondent

**APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT
1988 AGAINST THE JUDGEMENT AND AWARD DATED
05.12.2020 PASSED BY THE SH. MANOJ KUMAR
NAGPAL, PRESIDING JUDGE, PATIALA HOUSE COURT,
DELHI, IN PETITION NO. 112/2017 UNDER SECTION
140 & 166 OF THE MOTOR VEHICLES ACT, 1988.**

APPELLANT

SADR

SHADAB KHAN ADVOCATE
B-10 GREEN PARK, EXTENSION
NEW DELHI-16
shadabkhan5@gmail.com
+9199999-44851

PLACE: NEW DELHI
DATE : 09.03.2021

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ MAC.APP. 202/2021
UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

..... Appellant
Through: Mr.Shadab Khan, Adv. for
UPSRTC (through VC)
Mr.Manish Kumar Pratihast,
Adv. for UCO Bank with
Mr.Saurabh Dudeja, Manager,
UCO Bank, Patiala House.

versus

SMT DURMILA MANDAL AND ORS

..... Respondents
Through: Mr.Rudra Kahlon, Adv. for R-1
& R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% 20.11.2023

CM APPL. 42610/2023

1. This application has been filed by the claimants praying for a direction to the Manager, UCO Bank, Patiala House Courts, New Delhi to disburse the amount directed to be released in terms of the Award dated 05.12.2020 (hereinafter referred to as 'Impugned Award') passed by the learned Motor Accident Claims Tribunal, Patiala House Courts, New Delhi (hereinafter referred to as 'Tribunal') in MACP No. 112/2017 titled *Smt.Durmila Mandal & Anr. v. Sh.Pradeep & Anr.*, along with interest applicable to Fixed Deposit Receipts (in short, 'FDRs').

appellant to deposit the entire awarded amount with the learned Tribunal, the same should have been kept by the UCO Bank in the form of 250 FDRs as was directed by the learned Tribunal.

8. On the other hand, the learned counsel for the UCO Bank, on instructions of the Manager of the Bank, who is also present in the Court today, submits that to comply with the directions of the learned Tribunal to create FDRs, the Bank requires the presence of the Claimants in whose favour the Award has been passed, as certain formalities are required to be completed by the Claimants. He submits that in the present case, the amount that was deposited by the appellant with the learned Tribunal was kept in the Current Account of the learned Tribunal itself in absence of any direction from this Court or from the learned Tribunal to keep the same in form of FDRs.

9. I have considered the submissions made by the learned counsels for the parties.

10. It is apparent from the above that there was no direction issued by this Court to the learned Tribunal or to the Bank to keep the amount deposited by the appellant in form of FDRs. The Bank, therefore, did not create FDRs of the amount deposited by the appellant in compliance with the order passed by this Court. The Bank, therefore, cannot be directed to release the amount to the applicants with interest as is applicable to Fixed Deposits. The prayer made in the application is, therefore, liable to be rejected.

11. However, as a general direction for the future, it is directed that as and when any amount is deposited with the learned Tribunal or with the UCO Bank pursuant to the direction issued by this Court, the

2. The above Award has been challenged by the appellant by way of the present appeal before this Court.

3. This Court by an *Interim* Order dated 09.07.2021 directed as under:

"5. In the meantime, appellant shall deposit the entire awarded amount with the Tribunal, however, the Tribunal shall defer disbursement of the amount till the next date of hearing."

4. In compliance with the above order/direction, the appellant deposited the awarded amount along with interest with the UCO Bank, Patiala House Courts Branch. The same was kept in the Current Account of the learned Tribunal, as there was no direction of this Court or of the learned Tribunal to keep the same in interest bearing FDRs.

5. By the subsequent *Interim* Order dated 01.03.2023, this Court directed the learned Tribunal to release 50% of the awarded amount in favour of the respondent nos.1 and 2/the applicants.

6. It is at this stage that it was realised that the amount deposited by the appellant has been kept only in a Current Account and not in a Fixed Deposit. The applicants, therefore, filed the present application seeking the direction to the UCO Bank to release the said amount along with interest that would be applicable to an FDR.

7. The learned counsel for the applicants submits that, in terms of the Award passed by the learned Tribunal, 90% of the compensation amount awarded in favour of the respondent no.1, was to be kept in form of 250 FDRs on an annual basis. He submits that, therefore, when this Court passed its order dated 09.07.2021, directing the

same shall be kept by the Bank in form of Fixed Deposit in terms of the Award passed by the Motor Accident Claims Tribunal, and with provision of automatic renewal, without requiring any further specific orders in this regard from the Court or from the learned Tribunal. This direction should be brought to the notice of the concerned officers of the Bank as also to the notice of the learned Motor Accident Claims Tribunals in the State of NCT of Delhi by the Registry of this Court.

12. In the present appeal, it is further directed that the balance amount lying deposited by the appellant in terms of the order dated 09.07.2021, be also kept by the UCO Bank in interest bearing FDRs in terms of the schedule of disbursal as has been prescribed in the Impugned Award.

13. The application is disposed of in the above terms.

CM APPL. 19907/2021

14. In view of the orders dated 09.07.2021, as modified by the order dated 01.03.2023, the application is disposed of.

MAC.APP. 202/2021

15. List for hearing on 21st March, 2024.



NOVEMBER 20, 2023/ns/RP

Click here to check corrigendum, if any

True G/M
R

Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. _____ Genl./HCS/2023

Dated, Delhi the

52900-52910

02 DEC 2023

Sub : Circulation of Order dated 20.11.2023 Passed by Hon'ble Mr. Justice Navin Chawla in MACA No. 202/2021 titled as "UP State Road Transport Corp. Vs. Smt. Durmila Mandal and Ors.

A copy of the letter no. 44952-X dated 29.11.2023 bearing this office diary no. 2896 dated 01.12.2023 alongwith copy of order dated 20.11.2023 passed by Hon'ble Mr. Justice Navin Chawla in the abovesaid matter is being circulated for information and immediate compliance/necessary action to : -

1. The Ld. Presiding Officers, Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
4. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. For uploading the same on Centralized Website through LAYERS.



(BARKHA GUPTA)

Officer-in Charge, Genl. Branch, (C)
District Judge, (Comm. Court)
Tis Hazari Courts, Delhi

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Encls. As above