

A U.P. STATE ROAD TRANSPORT CORPORATION

v.

COMPOTAR

(Civil Appeal No.1868 of 2008)

MARCH 10, 2008

B

[DR. ARIJIT PASAYAT AND P. SATHASIVAM, JJ.]

Motor Vehicles Act, 1988:

C *Accident – Claims Tribunal awarded compensation – On appeal, High Court directed Appellant-State Road Transport Corporation to deposit the entire amount awarded by Tribunal – The Court directed that the amount be invested and paid to claimant-Respondent No.1 in accordance with directions of the Tribunal – Challenge to – Held: Order of High Court was*
D *practically unreasoned – No reason had been indicated as to why the amount was to be paid to the claimant on deposit – Direction to High Court to re-consider the matter.*

E **The Motor Accident Claims Tribunal awarded compensation of Rs.8 lakhs alongwith interest at the rate of 6% from the date of filing of the claim petition till the date of actual payment. On appeal, High Court directed the Appellant-State Road Transport Corporation to deposit the entire amount awarded by the Claims Tribunal. The Court directed that the amount be invested and paid to**
F **the claimant-Respondent No.1 in accordance with the directions of the Tribunal.**

G **In appeal to this Court, the contention of the Appellant is that the claim lodged by Respondent No.1 was frivolous and false and that while admitting the appeal, the High Court should not have directed deposit of the entire amount and should not have permitted the claimant-Respondent No.1 to be paid the amount of deposit.**

H

Disposing of the appeal, the Court

HELD: The order of the High Court is practically unreasoned and no reason has been indicated as to why the High Court felt that the amount was to be paid to the claimant on deposit. Therefore, the High Court is directed to re consider the matter and pass fresh order. [Para 5] [622-B, C]

CIVILAPPELLATE JURISDICTION : Civil Appeal No. 1868 of 2008

From the final Order dated 19/4/2007 of the High Court of Judicature at Allahabad in F.A.F.O. No. 1092/2007

Tania Singh and Rameshwar Prasad Goyal for the Appellant.

The Judgment of the Court was delivered by

DR. ARIJIT PASAYAT, J. 1. Leave granted.

2. Challenge in this appeal is to the order passed by a Division Bench of the Allahabad High Court directing the appellant to deposit the entire amount awarded by the Motor Accident Claims Tribunal/Special Judge, Mathura in MACC No. 431 of 2005. It was directed that the amount was to be invested and paid to the claimant–respondent No.1 in accordance with the directions of the Tribunal.

3. Learned counsel for the appellant submitted that a detailed, frivolous and false claim was lodged. It was submitted that a bare look at the factual scenario would go to show that the claim has no foundation. The accident purportedly took place on 24.12.2000, the FIR was lodged on 31.5.2001 and in December, 2005 a Claim Petition claiming compensation under provisions of Motor Vehicles Act, 1988 (in short the 'Act') was filed.

4. Overlooking these facts, Tribunal awarded compensation of Rs.8,11,351/- alongwith interest at the rate of

A 6% from the date of filing of the claim petition till the date of actual payment. While admitting the appeal the High Court, according to the appellant should not have directed deposit of the entire amount and should not have permitted the claimant to be paid the amount of deposit.

B 5. Notice has not yet been issued in this matter but we feel that the impugned order of the High Court is practically unreasoned and no reason has been indicated as to why the High Court felt that the amount was to be paid to the claimant on deposit. Therefore, we direct the High Court to re consider the matter and pass fresh order.

6. We have passed this order to avoid unnecessary delay and inconvenience to the parties.

7. The appeal is accordingly disposed of.

D B.B.B.

Appeal disposed of.