

CASE NO.:
Appeal (civil) 1868 of 2008

PETITIONER:
U.P. State Road Transport Corporation

RESPONDENT:
Compotar

DATE OF JUDGMENT: 10/03/2008

BENCH:
Dr. ARIJIT PASAYAT & P. SATHASIVAM

JUDGMENT:
J U D G M E N T

CIVIL APPEAL NO 1868 OF 2008
(Arising out of SLP (C) 25771/2007)

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\026respondent 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 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.

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.