

# Dincy Devassy vs United India Insurance Co. & Ors on 9 November, 2020

**Author: J.R. Midha**

**Bench: J.R. Midha**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CM App'ls. 8613/2020, CM APPL. 17706/2020

IN

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MAC.APP. 26/2019

DINCY DEVASSY

Through:

.....  
Mr. Siddhant Sharma, Ad

versus

UNITED INDIA INNSURANCE CO. & ORS. .... Respondents

Through: Mr. Vineet Malhotra, Advocate for  
respondent No.1.

Mr. S. N. Parashar, Advocate for  
respondents No. 4 and 5.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% 09.11.2020

1. The hearing has been conducted through video conference.

2. Vide judgment dated 12th December, 2019, this Court allowed the appeal and modified the impugned award to the extent that the appellant (widow of deceased) was held to be entitled to 1/3rd share in compensation i.e. 56,13,214/- out of award amount of Rs.1,68,39,642/- along with interest accrued thereon.

3. Vide order dated 26th August, 2020, this Court disbursed the compensation amount deposited by respondent No.1. The relevant portion of the disbursement order is reproduced hereunder:-

"5. The Registrar General of this Court shall disburse the award amount to appellant, respondents no.4 and 5 by directing the UCO Bank, Delhi High Court Branch in the following manner :-

(i) With respect to the balance share of the appellant, Rs.72,60,000/- be kept in 120 FDRs of Rs.60,500/- each in the name of appellant for the period 1 month to 120 months respectively with cumulative interest. The balance amount, after keeping Rs.72,60,000/- in FDRs, be released to the appellant by transferring the same to her savings bank account A/c No.0439054000001621 with South Indian Bank, Kadavanthra Branch, Kochi, Kerala (IFSC Code:- SBIL0000439).

(ii) With respect to the balance share of the respondents no.4 and 5, Rs.75,00,000/- be kept in 120 FDRs of Rs.62,500/- each in the joint names of respondents No.4 and 5 for the period 1 month to 120 months with cumulative interest. The balance amount, after keeping Rs.75,00,000/- in FDRs, be released to respondents No.4 and 5, in equal shares, by transferring the same to their respective following savings bank accounts. The details of the same are given herein below:-

(1)Bridget Irene K.F. A/c No.21540110055700 UCO Bank, Thrikakara Branch, Ernakulam, Kerala IFSC Code:- UCBA0002154 (2) Peter T.T. A/c No.21540110055694 UCO Bank, Thrikakara Branch, Ernakulam, Kerala IFSC Code:- UCBA0002154

(iii) All the original FDRs shall remain with UCO Bank, Delhi High Court Branch. However, the statement containing FDR number, amount, date of maturity and maturity amount shall be furnished to appellant, respondents no.4 and 5 respectively.

(iv) The maturity amounts of the FDRs of the appellant, be released to appellant, by transferring the same to her aforesaid savings bank account.

(v) The maturity amounts of the FDRs of respondents No.4 and 5, be released to respondents No.4 and 5, in equal shares, by transferring the same to their aforesaid respective savings bank accounts.

(vi) No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

(vii) South Indian Bank, Kadavanthra Branch, Kochi, Kerala and UCO Bank, Thrikakara Branch, Ernakulam, Kerala shall permit appellant, respondents no.4 and 5 to withdraw money from their respective savings bank account by means of a withdrawal form, internet and mobile banking facility."

4. UCO Bank, Delhi High Court Branch has submitted the compliance report dated 05th December, 2019 according to which they have complied with para 5 (i) (iii) (iv) and (vi) of the order dated 26 th August, 2020 relating to the disbursement of the share of the appellant.

5. With respect to the share in the compensation amount of respondents No.4 and 5, the Registry has submitted the report dated 13 th September, 2020 according to which there is a short deposit of Rs.7,94,628.61 by respondent No.1 and, therefore, the disbursement could not be done to respondents No.4 and 5 in terms of the order dated 26th August, 2020.

6. As per the report of the Registry, Rs.52,31,095/- is available with the Registrar General for disbursement to respondents No.4 and 5.

7. Para-5(ii) of the order dated 26th August, 2020 is modified and the Registrar General is directed to instruct UCO Bank, Delhi High Court Branch to disburse Rs.52,31,095/- to the appellant, respondents No.4 and 5 in the following manner:-

(i) Rs.46,87,500/- be kept in 75 FDRs of Rs.62,500/- each in the joint names of respondents No.4 and 5 for the period 1 month to 75 months with cumulative interest.

(ii) Rs.2,02,958.66 be released to the appellant by transferring the same to her savings bank account A/c No.0439054000001621 with South Indian Bank, Kadavanthra Branch, Kochi, Kerala (IFSC Code:- SBIL0000439).

(iii) The balance amount, after keeping Rs.46,87,500/- in FDRs and after releasing Rs.2,02,958.66 to the appellant, be released to respondents No.4 and 5, in equal shares, by transferring the same to their respective following savings bank accounts. The details of the same are given herein below:-

(1)Bridget Irene K.F. A/c No.21540110055700 UCO Bank, Thrikakara Branch, Ernakulam, Kerala IFSC Code:- UCBA0002154 (2) Peter T.T. A/c No.21540110055694 UCO Bank, Thrikakara Branch, Ernakulam, Kerala IFSC Code:- UCBA0002154

(iv) All the original FDRs shall remain with UCO Bank, Delhi High Court Branch. However, the statement containing FDR number, amount, date of maturity and maturity amount shall be furnished to respondents no.4 and 5.

(v) The maturity amounts of the FDRs of respondents No.4 and 5, be released to respondents No.4 and 5, in equal shares, by transferring the same to their aforesaid respective savings bank accounts.

(vi) No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

(vii) South Indian Bank, Kadavanthra Branch, Kochi, Kerala and UCO Bank, Thrikakara Branch, Ernakulam, Kerala shall permit appellant, respondents no.4 and 5 to withdraw money from their respective savings bank account by means of a

withdrawal form, internet and mobile banking facility.

8. Respondent No.1 is directed to deposit a further sum of Rs.7,94,628.61 with the Registrar General of this Court within 10 days.

9. Upon deposit of Rs.7,94,628.61, Registrar General shall instruct UCO Bank, Delhi High Court Branch to disburse the same to the appellant, respondents No.4 and 5 in equal shares by transferring the same to their respective savings bank accounts.

10. Respondent No.1 has deducted Rs.20,23,853/- from the compensation amount towards TDS. Learned counsel for the appellant submits that the PAN Card number of the appellant is not mentioned in TDS certificate of the appellant and, therefore, the appellant is unable to avail the benefit of the TDS. It is further submitted that the appellant has been advised that respondent No.1 can issue a revised TDS certificate by 30th November, 2020 by giving particulars of the PAN Card number of the appellant. Respondent No.1 is directed to file a revised return and issue a revised TDS certificate to the appellant by mentioning her PAN Card number to enable her to avail the benefit of the TDS deducted.

Revised TDS certificate be produced before this Court on the next date of hearing.

11. UCO Bank, Delhi High Court Branch shall submit the compliance report before the next date of hearing.

12. List on 25th November, 2020.

13. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

NOVEMBER 09, 2020 ds/ak