## BEFORE THE LOK ADALAT AT GUNTUR

(For the settlement of Railway Claims before RCT, Amaravati Bench)

**Lok Adalat Members Present:**

**Ms. R. Sathyabama - Hon'ble Member Judicial.**
**Shri G. John Prasad - Hon'ble Member Technical.**

**OA II (U) No.766 of 2020**

1. Gayatri Devi, W/o. Late Jivachh Paswan, Aged 32 years,
2. Shiv Chandra Paswan, S/o. Late Jivachh Paswan, Aged 19 years,
3. Ranjan Kumar, S/o Late Jivachh Paswan, Aged 14 years,
4. Abhi Ranjan Kumar, S/o Jivachh Paswan, Aged 10 years,

(The Applicant Nos. 3 & 4 being Minors Rep. by their Mother and Natural Guardian, Applicant No.1)

All are R/o. ChaitaUttari Village, Ward No.2,
Angar Ghat P.S., Samasthipur District,
State of Bihar – 848132.

... Applicants

**Versus**

Union of India Represented by
General Manager,
South Central Railway,
Secunderabad.

... Respondent

**ORDER PASSED BY THE LOK ADALAT IN TERMS OF THE SETTLEMENT ARRIVED AT BETWEEN THE PARTIES**

There shall be an award of Rs.8,00,000/- (Rupees Eight Lakhs only) with interest @ 5% per annum from the date of the incident till the date of this Order,

At the time of Lok Adalat, Applicant No.1 disclosed that her daughter by name Rinku Kumari got married before filing of claim application. After her marriage she was residing with her husband, hence, she was not made as a party to this claim application. She also disclosed that her father-in-law (father of the deceased) was predeceased and her mother-in-law Smt.Kisuni Devi, who is 80 year old, is permanently bed ridden, hence, she is now unable to attend the Tribunal. She has undertaken to produce the Aadhaar card, bank pass book and photograph of her mother-in-law. To this effect Applicant No.1 filed an Affidavit praying to release a sum of Rs.1,00,000/- in favour of her mother-in-law.

The amount shall be apportioned as under:-

| Name of the Applicant(s) | Relationship with deceased | Age as on the date of Application | Amount (Rs.) | Cash Portion (Rs.) | As Fixed Deposit (Rs.) |
|---|---|---|---|---|---|
| Gayatri Devi | Wife | 32 years | 4,00,000/- | 80,000/- | 3,20,000/- |
| Shiv Chandra Paswan | Son | 19 years | 1,00,000/- | 20,000/- | 80,000/- |
| Ranjan Kumar | Son | 14 years | 1,00,000/- | -- | 1,00,000/- |
| Abhi Ranjan Kumar | Son | 10 years | 1,00,000/- | -- | 1,00,000/- |
| Kisuni Devi | Mother | 80 years | 1,00,000/- | 20,000/- | 80,000/- |

1. The cash portion amount as cited above shall be released in favour of the Applicants through Electronic Clearance System (ECS) forthwith.
2. Fixed Deposit portion shall be as per guidelines given below:-
   i) Applicant No.1 – Rs.3,20,000/- (Rupees Three Lakhs Twenty Thousand only) shall be kept in 32 fixed deposits of Rs.10,000/- (Rupees Ten Thousand only) each for the period of one month to 32 months respectively, with cumulative interest. The maturity amounts of the FDR(s) be credited through ECS in the savings bank account of the Applicant No.1 near the place of her residence.
   ii) Applicant No.2 – Rs.80,000/- (Rupees Eighty Thousand only) shall be kept in 16 fixed deposits of Rs.5,000/- (Rupees Five Thousand only) each for the period of one month to 16 months respectively, with cumulative interest. The maturity amounts of the FDR(s) be credited through ECS in the savings bank account of the Applicant No.2 near the place of his residence.

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iii) Applicant Nos.3 & 4 – Rs.1,00,000/- (Rupees One Lakh only) each shall be kept in fixed deposits till the attainment of majority with liberty to Applicant No.1 to withdraw quarterly interest of FDs for maintenance of Applicant Nos.3 & 4. On attainment of majority of Applicant Nos.3 & 4, bank shall deposit the matured amount along with interest, if any, directly into the respective bank accounts of Applicant Nos.3 & 4 without approaching the Tribunal.

iv) The respondent is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) apportioned for Smt. Kisuni Devi (mother of the deceased) along with proportionate interest in Suitors account of the Registry.

v) Registry is directed to release the apportioned amount of Smt. Kisuni Devi upon submission of Aadhaar Card, Bank Pass book and photograph of Smt. Kisuni Devi by Applicants. Out of apportioned amount of Rs.1,00,000/- (Rupees one Lakh only), an amount of Rs.20,000/- (Rupees Twenty Thousand only) shall be released towards 'Cash Portion' through ECS and remaining amount of Rs.80,000/- (Rupees Eighty Thousand only) shall be kept in 08 fixed deposits of Rs.10,000/- (Rupees Ten Thousand only) each for the period of one month to 08 months respectively, with cumulative interest. The maturity amounts of the FDR(s) be credited through ECS in the savings bank account of the Smt. Kisuni Devi near the place of her residence.

3. The interest amount accrued from the date of incident till the date of this order, if any, shall be paid directly into the account of the applicant(s) in the same proportion as the compensation.

4. Respondent is directed to pay the amount to the applicant(s) directly through Electronic Clearance System within 60 days from the date of submission of mandate form by the applicants, failing whichthe Applicant(s) shall be entitled to interest @ 7.5% p.a. from the date of this Order till the date of payment.

5. The applicant(s) shall furnish the details of his/her/their bank account(s) near the place of their residence to the Respondent within 15 days from the date of this Order.

6. The bank shall not permit any joint name(s) to be added in the savings bank account or fixed deposit account(s) of the claimant(s). The savings bank account(s) of the claimant(s) shall be an individual savings bank account(s) and not a joint account(s).

7. The original fixed deposit(s) shall be retained by the concerned bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the applicants.

8. No loan, advance, withdrawal or pre-mature discharge shall be allowed on the fixed deposit(s) without permission of the Tribunal.

9. The Bank shall not create any charge, mortgage, or hypothecation on the said amount.

10. Applicant(s) is/are allowed to withdraw quarterly interest accrued on termed fixed deposit(s).

11. On maturity of fixed deposit(s), applicant(s) is/are allowed to withdraw amount without approaching the Tribunal.

12. In case of minor applicant(s), when minor attains the age of majority, Bank authorities are authorized to release the amount on submission of documentary evidence without referring to the Tribunal.

13. Cases settled in Lok Adalat are not subject to appeals. Settlements reached are final.

GJPrasad 5/12/23 | RS 5/12/23

**(G. John Prasad)**
**Member Technical**

**(R. Sathyabama)**
**Member Judicial**

Place : Guntur
*Date : 05.12.2023.*