

Money Execution 6 of 2022
(Arising out of MACC No. 64 of 2018)
CNR No. WBBD09001670-2022

Order No. 8 dated 20.12.23:

Today is fixed for S/R and A/D of Judgment Debtor (Universal Sompo General Insurance Co. Ltd.).

The Ld. Counsel for the Decree Holder files hazira along with a track report of the postal authorities (India Post). He also files a verified petition for attachment of the bank account of the Judgment Debtor mentioned in this execution application and direction upon the Bank Manager of the said bank to submit demand draft in the name of the petitioners as per the Award given by this Tribunal. The Ld. Counsel for the Decree Holder is present. Perused the track report and materials on record. It becomes evident from the track report of the postal authorities that the summons was duly served/delivered upon the judgment debtor Insurance Company on 22.06.23. However despite receipt of the same, the judgment debtor has failed to appear in this case. The judgment debtor is also found absent today. None appears on repeated calls for the judgment debtor. As such the petition filed today for execution of the Award passed by this Tribunal is taken up for consideration.

Perused the same, materials on record, heard and considered. This Tribunal passed an Award dated 22.08.22 in MACC No. 64 of 2018 (CNR. No. WBBD09-000516-2013) thereby allowing the application for compensation of the Decree Holders ex parte against the Judgment Debtor (Universal Sompo General Insurance Co. Ltd.) by awarding compensation to the tune of Rs. 6,50,800/- along with simple interest @6% per annum on the said amount from 09.04.13 till actual deposit of the amount. The operating part of the Award passed is set out as here under:

"...Accordingly, it is,

Ordered

that the application under Section 166 of the M.V. Act is allowed ex parte against the opposite parties without any order as to costs. The petitioners shall get Rs. 6,50,800/- (Rupees six lac fifty thousand eight hundred only) from the O.P. / Universal Sompo General Insurance Co. Ltd. only as compensation along with 6% simple interest per annum on the said amount to be calculated from the date of filing of this

case, i.e. from 09.04.2013 till the actual deposit of the amount.

Out of the total compensation Belu Bouri (wife of the deceased) be paid Rs. 40,000/- at first and the remainder shall be equally divided amongst the petitioners viz. (1) Belu Bouri, (2) Bidyut Bouri, (3) Sanyasi Bouri (Sons of the deceased).

The Opposite Party No.2 is hereby directed to pay the aforesaid amount of compensation along with the interest to the aforesaid claimants by issuing three separate A/c payee cheques within 30 days hereof.

Order shall take effect after depositing additional Court fees on the excess calculated awarded amount. Petitioners are directed to deposit additional court fees within 15 days hereof.

Let a copy of this order be supplied to the petitioners free of costs..."

In as much as, the O.P. / Universal Sompo General Insurance Co. Ltd. failed to pay the compensation awarded along with interest amount in compliance of the Award passed by this Tribunal, the petitioners/Decree Holders were compelled to file the instant execution case for execution of the Award passed. The Decree Holders are seeking execution of total amount of Rs. 10,25,010/-, which includes the compensation awarded of Rs.6,50,800/- and the amount of simple interest calculated @6% per annum on the same from 09.04.13 till 07.11.22 (i.e. date of filing of the execution case) which comes to Rs. 3,74,210/-. In terms of the execution application, the mode of execution sought for is passing of necessary direction upon the Branch Manager of the bank of the Judgment Debtor (Universal Sompo General Insurance Co. Ltd.) namely Bank of Baroda, Bandra -West Branch, "Meghdoot", Link Road Junction, Bandra, West Mumbai- 400050, where the A/c No. 03840200001505 of the Judgment Debtor (Universal Sompo General Insurance Co. Ltd.) is being maintained, to attach and withdraw the said amount of Rs. 10,25,210/- from the said account and send the same to this Tribunal by making 03 Demand Drafts/Banker's cheques in the names of the Judgment Debtors in execution of the Award. As per the Award, Demand Draft/Banker's Cheque of Rs.3,81,670/- should be made in the name of Belu Bouri (Petitioner/Decree Holder No.1) whereas Demand Drafts/Banker's cheques of Rs.3,21,670/- each should be made in the names of Bidyut Bouri and Sanyasi Bouri (Petitioner/Decree Holder Nos.2 and 3) respectively. The Ld. Counsel for the Decree-Holders fairly submits that till date, there is no order of stay granted by any forum.

Hence, it is

O R D E R E D

that the petition of the Decree-Holders dated 20.12.23 be and the same do hereby stands allowed. The Branch Manager of the bank of the Judgment Debtor (Universal Sompo General Insurance Co. Ltd.) namely Bank of Baroda, Bandra -West Branch, "Meghdoot", Link Road Junction, Bandra, West Mumbai-400050, where the A/c No. 03840200001505 of the Judgment Debtor (Universal Sompo General Insurance Co. Ltd.) is being maintained, is directed to attach and withdraw the amount of Rs. 10,25,210/- from the said account and send the same to this Tribunal by making 03 Demand Drafts/Banker's cheques in the name of the Decree Holders in execution of the Award. The Branch Manager is further directed that one Demand Draft/Banker's Cheque of Rs.3,81,670/- should be made in the name of Belu Bouri (Petitioner/Decree Holder No.1) whereas two Demand Drafts/Banker's cheques of Rs.3,21,670/- each should be made in the names of Bidyut Bouri and Sanyasi Bouri (Petitioner/Decree Holder Nos.2 and 3) respectively. Decree-Holders are directed to file Writ of Attachment along with requisites for issuance of the same. Issue Writ upon the same being filed.

To 06.02.24 for report of compliance from the Branch Manager, Bank of Baroda, Bandra West Branch, Mumbai, 400050.

Let a copy of this order along with the Writ of Attachment be sent to the Branch Manager, Bank of Baroda, Bandra West Branch, Mumbai, 400050, by registered post with A/D, for compliance.

Additional District Judge,
F.T.C., Durgapur cum
Judge, M.A.C.T., Durgapur,
Paschim Bardhaman,
West Bengal