

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:16.02.2015.

Smt.Munni

.....Petitioner

v.

Motor Accident Claims Tribunal,Gurgaon and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ashish Gupta,Advocate for the petitioner/claimant.

Jaswant Singh,J.(Oral)

Claimant-Munni, mother of deceased Rahul Singh is in revision aggrieved by the order dated 14.11.2014(P-1) passed by learned Motor Accident Claims Tribunal,Gurgaon, whereby her application for release of balance compensation lying deposited in FDR with State Bank of Patiala,Gurgaon, has been dismissed.

It is contended that the amount lying deposited in FDR is required by the petitioner for treatment of her husband. It is further contended that the claimant/petitioner is a major hence entitled to release of the awarded amount.

After hearing the learned counsel for the claimant/petitioner I am of the opinion that the prayer made is liable to be accepted in view of the law laid down by Hon'ble the Supreme Court in **H.S.Ahammed Hussain v. Irfan Ahammed**, 2002(3) RCR (Civil)563, wherein it has

been opined that the amount payable to an adult cannot be directed to be kept in fixed deposit.

Keeping in view the enunciation of law as referred to above, the present revision petition is allowed, impugned order dated 14.11.2014 (P-1) is set aside and the learned MACT, Gurgaon is directed to release the remaining awarded amount to the petitioner which is lying deposited in the shape of FDRs with State Bank of Patiala, Gurgaon.

16.02.2015
joshi

(Jaswant Singh)
Judge