

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No. 2960 of 2015 (O&M)  
Date of decision: 1.5.2015

**Rani and another**

**.. Petitioners**

**v.**

**Mam Chand and others**

**.. Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vishwajit Bedi, Advocate for the petitioners.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 26.2.2015 passed by the learned Motor Accident Claims Tribunal, Patiala, whereby the application filed by petitioner No. 1 for releasing the amount lying deposited in her name in bank, was dismissed.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents, as the relief in the present petition is not claimed against them.

Briefly, the facts are that husband of petitioner No. 1 died in a motor vehicular accident. His widow, daughter and mother were granted compensation of ₹ 2,70,000/- along with interest. As the mother of the husband of petitioner No. 1 had died, the amount was directed to be paid to the petitioners. It was directed that ₹ 1,35,000/- will be deposited in the name of petitioner No. 2 and she would be entitled to withdraw the said amount on attaining the age of majority. The remaining amount falling to the share of petitioner No. 1 was also directed to be deposited in FDR and she was held entitled to draw the amount of monthly interest to run her household affairs. The aforesaid amount is now sought to be encashed.

Learned counsel for the petitioners submitted that petitioner No. 1 has contracted second marriage with the brother of her deceased husband. She is suffering from heart problem. She needs the money for treatment. He further submitted that the amount awarded to the major/ adult cannot be ordered to be kept in a fixed deposit. The prayer is for release of amount lying in the FDR. Reliance was placed upon a judgment of this court in Civil Revision No. 2774 of 2012—Darshan Kumar v. Sant Ram and others, decided on 9.5.2012.

After hearing learned counsel for the petitioners, I find merit in the submissions made.

Considering the above facts and the judgment of this court in Darshan Kumar's case (supra), in my opinion, the amount lying deposited in the FDR in the name of petitioner No. 1 deserves to be released.

For the reasons stated above, the impugned order is set aside and the application of petitioner No. 1 for release of amount kept in FDR is allowed. The bank is directed to release the amount to petitioner No. 1 on pre- mature encashment of the FDR, if approached.

The revision petition is disposed of in the manner indicated above.

(Rajesh Bindal)

Judge

1.5.2015

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