

CR-3163-2015 (O&M)

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

CR-3163-2015 (O&M).

Decided on: May 11, 2015.

Smt.Kuldeep Kaur and others

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Kamal Kant Verma, Advocate,
for the petitioners.**

M.M.S. BEDI, J (ORAL).

On account of death of the father of the petitioner in an accident, the Motor Accident Claims Tribunal, Chandigarh, appears to have awarded a total sum of Rs.3,30,000/- to all the family members. A sum of Rs.65,000/- fallen to the share of the petitioner Gurjit Singh was ordered to be deposited in the fixed deposit. The said amount was to be released to the petitioner on attaining age of 21 years. It appears that at the age of 20, he demanded to release of the amount claiming that he had met with an accident and that his lower leg had been fractured. The application filed before the Motor Accident Claims Tribunal, (District Judge, Chandigarh), has been dismissed on the ground that the order passed by the the Motor Accident Claims Tribunal, Chandigarh, could not be reviewed by him.

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I have, with the assistance of the counsel for the petitioner, gone through the documents appended with the petition in order to determine the imminent need of the petitioner for the treatment. A perusal of the OPD consultation form indicates that on payment of a sum of Rs.330/- as consultation for on 8.3.2014 X-ray was advised of the right leg. No document has been placed on record indicating any fracture. Few photographs have been produced in order to substantiate the argument that petitioner has suffered operation Ex Fix c BG in Gulzar Bone and Joint Hospital, Ludhiana, whereas the OPD consultation form is of Sidhu Hospital Pvt. Limited, Doraha.

Though I am not satisfied with the material available on the record that the petitioner is in dire need of money which is lying in his fixed deposit, but at the same time, it cannot be ignored that the amount lying in the fixed deposit under the orders of the High Court is meant for the benefit of the petitioner. In case the petitioner wants to spend that money kept secured for him one year in advance, the Court is not responsible for proper or improper utilization of the amount lying in the account of the claimant. The claimant would be considered to be the best judge of his requirement of the money. It is for him to utilize the money with proper wisdom superseding the wisdom of the Court. It will be open to the bank to release the amount of the fixed deposit standing in the name of the

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petitioner Gurjit Singh by pre-poning the date of FDR in accordance with bank rules in case the application is filed.

The petition is allowed accordingly.

May 11, 2015.
rka

(M.M.S. BEDI)
JUDGE