

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

Civil Revision No.3718 of 2015 (O&M)

Date of decision: 28.5.2015

Roshni Devi

..... Petitioner

Versus

Arun Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vijay Sangwan, Advocate, for the petitioner.

RAJESH BINDAL, J

Challenge in the present petition is to the order dated 8.5.2015 passed by the learned Motor Accident Claims Tribunal, Narnaul, (for short "the Tribunal") whereby the application filed by the petitioner 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 the petitioner died in a motor vehicular accident. His widow, daughter and sons were granted compensation of ₹ 8,75,254/- along with interest. Out of the compensation amount, a sum of ₹ 1,00,000/- each was directed to be paid to the sons and daughter of the deceased and the remaining amount was directed to be paid to the petitioner, widow of the deceased. 25% of the amount of share of the petitioner was directed to be disbursed to her in cash and remaining 75% was to be kept in a fixed deposit in her name in a nationalized bank for a period of five years. The amount of shares of the sons and daughter of the deceased was also directed to be deposited in their names under guardianship of their mother in the nationalised bank till they attained the age of majority. The amount deposited in the name of the petitioner of her share is now sought to be encashed.

Learned counsel for the petitioner submitted that the amount lying in fixed deposit in the name of the petitioner is required on account of marriage of her son, namely, Jitender, which is to be solemnised on 11.6.2015. Relying 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, it is prayed that the petitioner be permitted to encash the FDR, as the amount awarded to an adult cannot be ordered to be kept in a fixed deposit.

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

Considering the facts noticed above 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 the petitioner deserves to be released. The impugned order is, accordingly, set aside and the application of the petitioner for release of amount kept in FDR is allowed. The bank is directed to release the amount to the petitioner on pre- mature encashment of the FDR, if approached.

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

(RAJESH BINDAL)
JUDGE

28.5.2015

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