

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5325 of 2015 (O/M)
Date of decision : 20.8.2015

Dharambir

..... Revisionist

Versus

Yashpal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. J.P. Sharma, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Dharambir-revisionist had filed a petition under Section 166 of the Motor Vehicle Act, 1988, before the Motor Accident Claims Tribunal, Narnaul (in short 'the Tribunal') for grant of compensation on account of the injuries received by him in the motor vehicular accident. The Tribunal, vide award dated 3.2.2014, allowed the compensation to the tune of Rs. 2,36,000/- alongwith interest at the rate of 7.5% per annum from the date of petition till its realization. However, the Tribunal ordered that 50% amount of compensation shall be paid to the revisionist in cash and remaining

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50% amount shall be deposited in fixed deposit in a nationalized bank. Thereafter, on 27.7.2015, the present revisionist filed an application before the Tribunal, requesting for disbursement of the remaining amount deposited in the FDR on the ground that he had to undergo operation for removal of the iron rods inserted in his both legs and for that purpose, had borrowed money from the people and now he is required to return the same. It was further requested that as a result of the accident, he has become permanently disabled and he also needs money to run his house-hold affairs. But, the said application was dismissed, vide the impugned order dated 30.7.2015 (Annexure-P-1), on the ground that this Court cannot review the order of the predecessor of the Tribunal.

I am of the view that the Tribunal fell in error while holding that this application amounts to review of the award/order. It is not the law that if any amount is ordered to be deposited in FDR, that cannot be released for sufficient cause. The present revisionist was a major. He had received injuries in the accident. He needed money for the operation and subsequent operations after the passing of the award. In this case, it is alleged that after the passing of the award, the revisionist had to undergo the operation, for which he spent money. Therefore, the order of releasing the amount invested in the FDR cannot be called review of the order. The award is already there in favour of the revisionist. As such, the impugned

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order dated 30.7.2015 (Annexure-P-1) is set aside. The remaining amount of 50% deposited in the FDR is also ordered to be released to the revisionist by transferring the same in his bank account, the details of which will be furnished by the revisionist before the Tribunal.

The revision is accordingly allowed.

(KULDIP SINGH)
JUDGE

20.8.2015
sjks