

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1216 of 2016
Date of decision : February 17, 2016

Master Dharambir and others

..... Petitioners

Versus

Rama Shankar Kumar and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioners.

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

Amit Rawal, J (oral).

Learned counsel for the petitioners submits that the agreement to sell has been entered into on behalf of minor for purchasing a property. In this regard, an application was moved before MACT.,Palwal for withdrawal of the amount/encashing the FDR pre-mature. The same has been declined without assigning any reasons.

I have heard learned counsel for the petitioners and appraised the paper book as well as impugned order which reads thus:-

“Office report perused, in which it has been stated that Smt. Seema natural guardian next friend of minors i.e.Master Dharamveer, Master Ankit and

Ms. Manisha is seeking premature withdrawal of FDR of the minors lying deposited with Oriental Bank of Commerce, Ballabgarh.

As per award dated 19.4.2011, the share of the minors were deposited in fix deposit scheme till attaining their majority and therefore, no ground is made out for withdrawal of FDR of the minors before attaining their majority and the application is hereby declined.

Papers be tagged with the main file.”

The impugned order sans reasons. It is strange that the MACT is being represented by a sitting Additional District Judge and the impugned order has been passed in a casual manner without assigning any reasons, much less has not even referred to the contents of the application which was supported by an affidavit.

In view of the aforementioned observations, the impugned order is set aside. The matter is remitted back to the trial court/executing court to decide the application afresh pragmatically and taking into consideration the observations made in the order and documents annexed with the application within a period of one month from the date of receipt of certified copy of this order.

The civil revision is allowed.

**(AMIT RAWAL)
JUDGE**

**February 17, 2016
archana**