

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

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**CR-1660 of 2016 (O&M)
DATE OF DECISION: 19.05.2016.**

Babli Rani and another

...Petitioners

VERSUS

Roop Singh and others

...Respondents.

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ashok Kaushik, Advocate
for the petitioners.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

Shekher Dhawan, J. (Oral)

Present petition is against the order dated 30.01.2016 whereby prayer made by Smt. Babli (widow) and Smt. Savitri (mother) of the deceased, for release of compensation amount was declined by the Court below.

Learned counsel for the petitioners submitted that as per award, no payment was ordered to be made in cash to the petitioners. Learned counsel for respondent No.3 has no objection if the present petition is allowed.

As per award dated 19.01.2015 passed by Motor Accident Claims Tribunal, Palwal, the share of minor petitioners (Sagar and Jyoti) was ordered to be kept in FDRs in a nationalized bank till attainment of majority. The petitioners are not seeking any release of the said amount. Admittedly, no payment was released in cash to the remaining claimants i.e.

Smt. Babli and Smt. Savitri.

The Court below has not considered the hardship being faced by the present petitioners, as they have to look after the interest of minor children as well and for that purpose, petitioners certainly require the encashment of FDRs. As such, order dated 30.01.2016 passed by Motor Accident Claims Tribunal, Palwal is hereby set aside and the amount lying deposited in the shape of FDRs in favour of the present petitioners-Smt. Babli and Smt. Savitri is ordered to be released in cash to them alongwith interest.

Accordingly, present petition stands allowed.

(SHEKHER DHAWAN)
JUDGE

19.05.2016.

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