

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

CR No.2137 of 2016 (O&M)

Date of decision:26.4.2016

Rahul

....Petitioner

VERSUS

Manjeet and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amit Kumar Goyal, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition has been directed against order dated 11.01.2016 (Annexure P-4) passed by the Motor Accident Claims Tribunal, Sonapat (in short 'Tribunal') dismissing the application (Annexure P-3) for release of the amount of Fixed Deposit Receipt (in short 'FDR') in the name of Rahul (minor) who sustained injuries in a motor vehicle accident and was awarded compensation in proceedings under the Motor Vehicles Act, 1988 and the amount of compensation has been deposited in the shape of FDR dated 26.11.2015 due for maturity on 26.12.2017.

Counsel for the petitioner would contend that while passing the award, it has been held by the Tribunal that the petitioners (they) shall be entitled to apply for early payment in case of emergency/necessity. It is argued with vehemence that as money for treatment of minor was spent by the family after raising loan, it would be in the interest of justice if the amount deposited in the name of minor is ordered to be released in order to discharge the outstanding liability of the family.

I have heard counsel for the petitioner, perused the records particularly the order impugned passed by the Tribunal at Sonapat. A relevant extract from the impugned order reads as under:-

“Reports of Ahlmad as well as concerned Nazir perused. The present application has been filed for pre-mature encashment of FDR in MACT Award in favour of minor. The petitioner has not attained majority and the amount can only be utilized by the minor after attaining majority and no provision of law could be shown where under any FDR in the name of minor can be encashed by the guardian. Hence, the application stands dismissed. File be consigned to record room after due compliance.”

Perusal of the award would further reveal that it was one of the contentions of the petitioner that he had been earning Rs.15,000/- per month by giving tuitions etc. In the given facts and circumstances, I do not find that the order suffers from any error much less illegality. As a result, the petition fails and is accordingly dismissed.

APRIL 26, 2016
‘D. Gulati’

(REKHA MITTAL)
JUDGE