

CR No.3636 of 2016(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

CR No.3636 of 2016(O&M)

Date of Decision: 17.8.2016

Kitabu Nisha

---Petitioner

versus

Jasmail Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Vivek Suri, Advocate
for the petitioner**

Rekha Mittal, J.

The present petition has been directed against order dated 18.4.2015 (Annexure P-5) passed by the Motor Accident Claims Tribunal, Panchkula (in short “the Tribunal”) whereby application for releasing the amount of compensation deposited in the FDR has been partly allowed.

Counsel for the petitioner contends that as per award dated

15.1.2013, Kitabu Nisha, mother of the deceased was awarded compensation to the tune of Rs.3,71,156/- with interest at the rate of 6% per annum from the date of filing of the petition till realization. Out of the above compensation, a sum of Rs. 50,000/- was ordered to be released and the remaining amount was deposited in fixed deposit receipts by splitting into four years. The application filed by the petitioner for premature release of FDRs on the plea that money was required to meet expenses on medical treatment of the petitioner as well as to perform marriage of her daughter Halimunisha has been partly allowed by permitting her to receive the amount of first FDR bearing No. 0766933 dated 3.9.2013. It is argued with vehemence that the learned Tribunal failed to take into consideration judgment of Hon'ble the Supreme Court of India ***H.S.Ahmed Hussain vs. Irfan Ahmed 2002(3) RCR(civil) 563*** wherein it has been held that amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit and their Lordships expressed the view that in case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalized bank, there may be its premature withdrawal in case the parties so intend.

I have heard counsel for the petitioner, perused the paper book particularly the judgment in *H.S.Ahammed Hussain's case (supra)*.

In view of observations made in para 8 of the judgment *H.S.Ahammed Hussain's case (supra)*, the petition is allowed and the entire amount of compensation lying deposited in the shape of FDRs is ordered to be released by the bank concerned, to the petitioner.

(Rekha Mittal)
Judge

17.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No