

**Civil Revision No.3720 of 2016**

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**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No.3720 of 2016**

**Date of Decision:12.8.2016**

**Desh Raj**

**---Petitioner**

**vs.**

**Harbans Lal and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**\*\*\***

**Present: Mr.Anil Kumar Bhardwaj, Advocate  
for the petitioner**

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**Rekha Mittal, J.**

The present petition directs challenge against order dated 22.12.2015 (Annexure P-3) passed by the Motor Accident Claims Tribunal, Panchkula (in short “the Tribunal”) rejecting prayer of the petitioner for releasing at least half of the amount deposited in fixed deposit receipts for a

period of 20 years.

Desh Raj, the injured-victim filed an application for compensation in respect of injuries sustained by him in a motor vehicular accident. The compensation awarded to the victim was ordered to be deposited in FDRs which have been split for a period of 20 years so that one FDR mature each year and released by the State Bank of India, Sector-20 Panchkula.

Smt. Soni Devi wife of Desh Raj filed an application seeking premature release of FDRs on the premise that her husband was the only earning male member in the family and now he is in a state of coma for many months and has been rendered 100% disabled. For treatment of her husband, she had to raise loan of Rs. 10 lakhs from various friends and relatives and wants to repay the same. Some amount is required for treatment of her husband.

Learned Tribunal recorded statement of the applicant, in order to verify correctness of averments set up in the application and urgency pressed into service and came to record a finding that plea put forward by wife of the victim is not well founded. No person, who has allegedly

advanced loan to the applicant has come forward to say so. Further held that it was made clear to the applicant that in case she can produce a person to whom she has to pay loan, money will be paid to that person but no such person has been produced nor such evidence has been adduced. A sum of Rs. 2 Lakhs was paid to the applicant in cash, one of the FDRs would mature on 14.1.2016 and one FDR with maturity date 14.1.2025 was allowed to be released to meet expenses of treatment etc. against proper receipt and identification as per rules.

Counsel for the petitioner has submitted that as family of the victim is under tremendous stress because of debt liability created to meet financial exigencies qua medical treatment of Sh. Desh Raj, no useful purpose would be served by awarding compensation if the money is not made available to the wife of the victim for discharging the outstanding liability. It is further submitted that more funds are required for treatment of the victim.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

The Tribunal recorded evidence to examine genuineness and

authenticity of the plea raised by Smt. Soni Devi wife of Desh Raj. The plea of the applicant for release of the amount to discharge outstanding liability towards loan raised for meeting expenses on medical treatment of the victim is found to be patently false and, therefore, untenable. Counsel for the petitioner has failed to point out any materials on record to challenge correctness of factual findings recorded by the Tribunal that plea of the applicant for release of amount to discharge liability qua loan has no legs to stand.

So far as plea for release of amount to meet expenses on treatment of the victim, the Tribunal has noticed that out of compensation, an amount of Rs. 2 lakhs was paid in cash, an FDR of Rs. 1,00,000/- would mature on 14.1.2016 and another FDR to be matured on 14.1.2025 has been ordered to be released. There is nothing on record suggestive of the fact that more money is required for medical treatment of the victim. This apart, in future, if any such requirement would be there for medical treatment of the victim, an appropriate application may be filed before the Tribunal and the same shall be considered on its merits. However, at this stage, there is no justification for release of more amount even for medical treatment of the

victim.

In view of what has been discussed hereinabove, finding no merit, the petition fails and is accordingly dismissed.

**(Rekha Mittal)**  
**Judge**

**12.8.2016**  
paramjit

Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No