

**C.M.No.14318-CII-2016 in/and
CR No.4467 of 2016 (O&M)**

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

**C.M.No.14318-CII-2016 in/and
CR No.4467 of 2016 (O&M)
Date of decision:27.07.2016**

Prem Shankar

... Petitioner

Vs.

Tarsem Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Pawan Attri, Advocate
for the applicant/petitioner.

AMIT RAWAL J. (Oral)

C.M.No.14318-CII-2016

Prayer in the application is for early hearing of the matter.

For the reasons stated in the application, duly supported by an affidavit, the same is allowed.

With the consent of learned counsel for the applicant/petitioner, the revision petition is taken on board for hearing today.

CR No.4467 of 2016 (O&M)

The petitioner is aggrieved of the impugned order, whereby, an application seeking release of the awarded amount of compensation, has been partly allowed and only 20% of the amount deposited in the name of

applicant/petitioner has been ordered to be released.

Mr. Pawan Attri, learned counsel appearing on behalf of the applicant/petitioner submits that MACT Case No.60 of 2013 titled as “Prem Shankar vs. Tarsem Singh and others” was filed claiming compensation on account of death of Durgesh allegedly occurred on 07.05.2013. MACT has allowed the the claim petition by ordering the compensation of ₹7,82,000/- along with interest @ 9% per annum in favour of the claimant to be paid jointly and severally by the respondents. He further submits that application was moved for releasing the awarded compensation. Awarded amount of compensation is not bounty but help to the family for the loss of love and affection. If the amount is ordered to be kept in FDR, the same cannot be utilized for the purpose. The rate of interest is too minimum. The respondent-Insurance Company had already deposited the amount including the interest, i.e., ₹8,78,554/- in the shape of FDR No.024800DP00020585 dated 09.11.2015 and is lying with Punjab National Bank, Ambala Road, Kaithal but the trial Court, vide impugned order had ordered the release of 20% of the amount. He further submits that 20% amount has been released but thereafter, the Bank had got the remaining amount in FDR aforementioned. He also relies upon the judgment rendered by Hon'ble the Supreme Court in ***H.S. Ahammed Hussian Vs. Irfan Ahammed AIR 2002 (SC) 2483*** to contend that amount of compensation should not be deposited in FDR, particularly when claimant is major.

In view of the aforementioned fact and as well as the ratio

decidendi culled out by the Hon'ble Supreme Court in the aforesaid case (supra), I am of the view that applicant-petitioner is entitled for release of the balance amount along with interest accrued thereupon in his favour.

Accordingly, the impugned order is hereby set aside. It is ordered that the entire amount of compensation deposited in FDR along with upto date interest be paid in favour of the application/petitioner.

Revision petition stands allowed.

**(AMIT RAWAL)
JUDGE**

July 27, 2016
savita

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No