

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4560 of 2016

Date of Decision.22.07.2016

Rekha Devi

.....Petitioner

Vs.

Sunil Kumar and others

.....Respondents

Present: Mr. Sachin Gupta Ladwa, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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

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AMIT RAWAL J. (ORAL)

The civil revision has been filed challenging the order passed by the Tribunal whereby it has ordered release of ₹1 lac only out of ₹5,26,473/- said to be lying in FDR No.SBL-110233 dated 25.05.2016 as compensation awarded to the widow-petitioner.

Mr. Sachin Gupta Ladwa, learned counsel for the petitioner submits that the claim petition had been filed before the Motor Accident Claims on account of unfortunate demise of the husband of the petitioner in a road accident occurred on 28.09.2013 and the Tribunal awarded a compensation of ₹11,39,000/- with interest @9% per annum with a direction that 40% of the awarded amount shall be paid to the claimant No.1 (petitioner herein) and the same shall be deposited in fixed deposit in her name in any nationalized bank of her choice for one year and 20% each of the awarded amount shall be paid to the claimants Nos.2 to 4, who are minor children and the same shall be deposited in the form of FDR in their

names in any nationalized bank till they attain the age of majority. He further submits that though an appeal qua enhancement of compensation has been filed, it has not been listed and the application was moved for release of the amount which is required for repair of the house, study expenditure of her children, return of loan and other day to day expenses, much less, the petitioner is praying for release of the amount which comes to her share and undertakes to keep the share of the minor children, as it is, in the form of FDRs as directed by the Tribunal.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the amount of compensation is not a bounty but it is a compensation awarded to the petitioner on account of loss of love and affection, loss of dependence and loss to estate etc., which the deceased would have contributed to his family during the remainder of his life. The grievance of the petitioner is writ large as she is already suffering a lot on account of untimely demise of her husband and in such case, if the amount of compensation is allowed to be kept in FDR, the exercise of awarding compensation for likely to be spent on the members of the family/dependents would not meet any purpose.

In view of the above mentioned peculiar circumstances, the amount lying in FDR No.SBL-110223 dated 25.05.2016 to the tune of ₹5,26,473/- is ordered to be released along with interested accrued, if any, to the petitioner subject to furnishing of security/indemnification for the same. The order passed by the Tribunal is set aside and the revision petition is disposed of on the above terms.

(AMIT RAWAL)
JUDGE

July 22, 2016

Pankaj*