

Civil Revision No.476 of 2016

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In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.476 of 2016

Date of Decision:12.8.2016

Kela Devi

---Petitioner

vs.

Bhim Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Rohtash Kumar, Advocate
for Mr. Sanjay Verma, Advocate
for the petitioner

Rekha Mittal, J.

The present petition directs challenge against order dated 28.9.2015 passed by the Motor Accident Claims Tribunal, Gurgaon (in short “the Tribunal”) whereby application filed by the petitioner for release of compensation lying deposited in fixed deposit receipt has been rejected.

Counsel for the petitioner contends that as per award dated 28.9.2015, Kela Devi mother of the deceased was awarded compensation to the tune of Rs.3,25,000/-. Out of the above compensation, a sum of Rs. 1,79,500/- was ordered to be released and the remaining amount was deposited in fixed deposit receipt for a period of three years. The application was filed by the petitioner for premature release of FDR on the plea that the money was required for repairs of her house which is in a dilapidated condition and requires renovation. The Tribunal has not assigned any reason to reject prayer of the petitioner. 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.Ahammed Hussain vs. Irfan Ahmmed 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 compensation lying deposited in the name of petitioner (FDR) is ordered to be released by the bank concerned, to the petitioner.

(Rekha Mittal)
Judge

12.8.2016
paramjit

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