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

C.R. No.6265 of 2016
Date of Decision.22.09.2016

Dipika ....Petitioner

Vs.

Shekhar and others ....Respondents

Present: Mr. Ajay Ghanghas, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The petitioner-claimant is aggrieved of the impugned order dated 27.07.2016 whereby application for releasing of 50% of the amount ordered to be deposited in the FDR as indicated in the Award dated 04.03.2011 has been dismissed on the premise that the maturity date of the FDR is 08.05.2018 and it cannot be released before that date.

The counsel for the petitioner-claimant submits that the as per the Award of the Motor Accident Claims Tribunal, 60% of the total compensation awarded was ordered to be paid to the widow and 40% of the same was directed to be paid to the father and mother of the deceased in the ratio of 20% each. Out of the share of 60% awarded to the petitioner, 50% was ordered to be paid in cash and 50% to be deposited in the FDR. The aforementioned FDR has to mature on 08.05.2018. The petitioner has suffered a lot on account of demise of her husband and non-release of the amount which is required for her daily needs and repair of the house, would add fuel to the agony.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the petitioner has suffered a lot being a widow on demise of her husband and she has been compensated for loss of love and affection, much less, consortium. No useful purpose will be served in allowing the amount to be laid in the FDR as whole purpose of bringing into force the Motor Vehicles Act, 1988 is to mitigate the agony of affected person. It is not a case where the person has surplus amount and can draw the benefit of interest in the shape of FDR. The Tribunals should not pass the order of depositing the amount of compensation in FDRs in routine manner except where the minors are there as their interest has to be kept intact till they attain age of majority.

In the impugned order the date of maturity is stated to have been expiring on 08.05.2018 whereas in other line it is mentioned as 08.05.2016. The Tribunals should be more careful in signing the orders before it is released for public or uploaded. I am of the view that the Tribunal ought not to have increased or prolonged agony of the petitioner-claimant by dismissing the application.

The impugned order passed by the Tribunal is set aside and accordingly, the application is allowed. The Tribunal is directed to release 50% of the amount directed to be deposited in the FDR vide Award dated 04.03.2011 forthwith including the element of interest accrued thereon.

The revision petition stand disposed of with the above direction.

(AMIT RAWAL)
JUDGE

September 22, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No