

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

**CR No.6389 of 2016
Date of Decision: 26.09.2016**

Satnam Singh**Petitioner**

Versus

The New India Assurance Company Ltd and others
.....**Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sagar Aggarwal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed order dated 05.08.2016 passed by Motor Accident Claims Tribunal, Karnal (for short 'Tribunal') whereby his application for liquidating FDR No.7252250 dated 16.05.2016 for a sum of Rs.1,50,110/- with Oriental Bank of Commerce, Sector-22, Karnala was dismissed.

[2]. Tribunal awarded compensation on account of death of late Sh. Gurdeep Singh vide award dated 09.05.2014. The amount of compensation was apportioned in equal shares. 50% of the amount was ordered to be deposited in fixed deposit in the name of the claimant in some nationalized bank for a period

of 3 years. In appeal, the amount was further enhanced by this Court, but the remaining conditions of disbursement of the amount were ordered to be unaltered.

[3]. Learned counsel for the petitioner submits that petitioner is major and he wants to install his own business by spending specific amount from his pocket. He is in dire need of amount. An amount of Rs.1,50,110/- is lying deposited in the bank in the shape of FDR. If the petitioner borrows equivalent amount from the market, he will have to pay interest more than the one which is applicable to the aforesaid FDR. In any case, the currency of FDR will not be in best interest of the petitioner.

[4]. Hon'ble Apex Court in **H.S. Ahammed Hussain Vs. Irfan Ahammed, (SC) 2002(3) RCR (Civil) 563** has already commented that keeping the fixed deposit of such amount in case of adults is not proper.

[5]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing notice to the respondent as no prejudicial order to the interest of the parties is being passed.

[6]. Since the amount was ordered to be deposited in the FDR under the orders of the Court, therefore, it will be just and appropriate to allow the petitioner to get the FDR encashed as per settled norms of the banks.

[7]. In view of aforesaid, impugned order dated 05.08.2016 passed by Motor Accident Claims Tribunal, Karnal is set aside and the petitioner is allowed to get the FDR encashed as per norms of the Bank.

Disposed of.

September 26, 2016
Prince

(RAJ MOHAN SINGH)
JUDGE

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