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

**CR No.6438 of 2016
Date of Decision: 27.09.2016**

Nirmla Devi ......Petitioner

Versus

Rajesh Kumar and others .....Respondents

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

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

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RAJ MOHAN SINGH, J.(Oral)

[1]. In this revision petition, order dated 05.08.2016 passed by Motor Accident Claims Tribunal, Kaithal (for short 'Tribunal') has been assailed.

[2]. While granting compensation to the family of deceased-Subhash Chand, Tribunal ordered that the shares of minor claimants No.2 to 5 be deposited in a nationalized bank of the choice of claimant No.1 in the shape of FDRs for a period of one year or till they attained the age of majority whichever is later. Condition was also imposed that bank shall not grant any loan against such deposits and the Bank Manager was directed to

make note of this stipulation on the fixed deposits.

[3]. Thereafter, the petitioner filed an application before the Tribunal for the release of the amount on the ground that she being a poor lady is unable to up bring and educate the minor children in the absence of any source of income. She had already borrowed an amount of Rs.1,50,000/- from one Suresh and therefore, she pleaded that she was in dire need of money.

[4]. Tribunal keeping in view the urgent need of the petitioner and welfare of the minor, allowed withdrawal of the amount to the extent of 15 % of the total amount lying in fixed deposits against the names of the minors.

[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]. Having considered the facts and circumstances on record, it would be just and expedient to allow the petitioner to withdraw 50 % of the amount lying deposited in different FDRs against the names of the minors instead of 15 % as ordered by the Tribunal. Obviously, bank would have no objection to the aforesaid course.

[7]. With this part modification, this revision petition is disposed of.

September 27, 2016 **(RAJ MOHAN SINGH)**
Prince **JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No