

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.6478 of 2016
Date of decision:28.09.2016

Sapna and another ... Petitioners
Vs.

Lajpat Rai and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vivek Suri, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

The petitioner – claimants are aggrieved of the impugned order dated 03.09.2016, (Annexure P-4), whereby, the application for releasing the amount deposited in FDR in pursuance to the award dated 01.03.2016, has been dismissed.

Mr. Vivek Suri, learned counsel appearing on behalf of the petitioner-claimants submits that the claimants were awarded ₹17,65,000/- as compensation in equal shares on account of death of Varun Kumar in the accident with interest @ 8% per annum, but the MACT while passing the order has ordered that half of the amount of compensation be got deposited in the FDR in the name of applicants in equal shares and the same shall be payable to them on the expiry of two years. Half of the amount of compensation has been received and the application was moved for withdrawal of the remaining amount which is lying deposited in the FDR which has erroneously been dismissed by the Tribunal. He further

submits that there is already a judgment, in this regard, passed by the Hon'ble Supreme Court in **H.S.Ahammed Hussain vs. Irfan Ahammed** 2002(3) RCR (Civil) 563.

He further submits that the petitioners are none-else but the parents of the deceased, therefore, there was no occasion for the MACT for ordering the half amount in FDR. Even this fact has not been noticed by the Executing Court. He has also drawn the attention of the Court to the order dated 17.08.2016 passed by a Co-ordinate Bench of this Court in CR No.3636 of 2016, whereby, this Court had ordered for release of amount deposited in the FDR.

I have heard learned counsel for the petitioner-claimants and appraised the paper book and of the view that it is strange that every time whenever such type of applications are moved by the claimants before the Court below, the same resulted into prolonging of the agony of untimely demise of their ward and as well as incurring of litigation expenses. The Court below should keep in mind the aforementioned fact at the time of assessing compensation, whether the claimants are minor or not. It is only in the case of minor, the amount of compensation has to be deposited in the FDR. The whole idea of awarding compensation to mitigate the loss and affection which the deceased was to give to the claimants , much less, the acceptance of the destiny.

In order to prevent the miscarriage of justice to all the similarly situated claimants, I deem it appropriate while allowing the present revision

petition by setting aside the impugned order, that half of the awarded amount of compensation deposited by the Insurance Company is ordered to be released and issue directions to the concerned MACT in the States of Punjab and Haryana and Union Territory, Chandigarh for complying with the ratio decidendi culled out by the Hon'ble Supreme Court in H.S.Ahammed Hussain's case (supra) in letter and spirit. I am sanguine of the fact that directions aforementioned shall be strictly/religiously implemented/followed.

Accordingly, the revision petition stands allowed.

(AMIT RAWAL)
JUDGE

September 28, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No