

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

CR No. 8716 of 2016(O&M)

Date of decision: 23.12.2016

Minakshi Devi

....Petitioner

VERSUS

Union Bank of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Randeep Singh, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 04.11.2016 passed by the Motor Accidents Claims Tribunal, Karnal (in short 'the Tribunal') whereby application filed by the petitioner for release of amount deposited by way of Fixed Deposit Receipt bearing No.143049 dated 03.06.2016 in the name of the applicant has been partly allowed and she has been permitted to receive an amount of Rs.1 lakh out of total amount of Rs.2,30,000/-. It is submitted that the petitioner needs the entire money for re-construction of her house which in a dilapidated condition and the Tribunal has not assigned any reason whatever for declining her prayer for release of the total amount despite the fact that her plea with regard to requirement has not been disbelieved by the Court below.

I have heard counsel for the petitioner, perused the paper-book particularly the order impugned.

A plain reading of the order would make it evident that the Court below has not recorded any reason as to why release of the entire amount is not justified or payment of Rs.1,00,000/- out of the total amount

would satisfy requirement of the petitioner with regard to reconstruction of her house. Even the Court has not doubted correctness of plea of the petitioner that she requires the money for reconstruction of her house.

In this view of the matter, the impugned order cannot be allowed to sustain and accordingly set aside. The matter is remitted to the Tribunal for passing a reasoned order as to why the entire amount cannot be released in favour of the petitioner. The Tribunal shall decide the matter within a period of 10 days from the date of receipt of certified copy of the order.

DECEMBER 23, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no