

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 8881 of 2015
Date of decision : March 30, 2016

Mamta Devi

..... Appellants

Versus

Rajbir Singh and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Pawan Atri, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Amit Rawal, J (oral).

The petitioner-claimant had filed MACT case bearing 63 of 2013 which was decided on 5.7.2014.

The petitioner is aggrieved of the order dated 4.11.2015 (Annexure P-3) whereby application for releasing the amount qua her share had been partly allowed and permitted to withdraw an amount of ₹1 lac and rest of the amount is still in FDR bearing No. 109574 dated 7.1.2015 drawn on Syndicate Bank, Kaithal.

Learned counsel appearing on behalf of the petitioner submits that unfortunately the petitioner became widow at the age of 21 years when her minor daughter was two months when deceased Naresh Kumar died in a road accident. Though, the MACT, Kaithal has ordered for payment of 25% of the compensation each to claimant Nos.1 widow, and 3 & 4 i.e. mother and father and rest of the claim including of minor daughter was ordered to be

deposited in FDRs but the fact is that the petitioner is in dire need of money and the FDR would not serve the purpose as she has to meet her day to day expenses and other liabilities which has become very difficult, thus, the MACT has committed illegality and perversity in partly releasing the amount of ₹1 lac whereas the entire amount qua her share is required for repair of her house and other allied purposes. In this regard, photograph of the house has been annexed as Annexure P-2.

Respondent Nos. 1 and 2 have been served and notice issued to respondent No.3 has not been received back served or otherwise.

Keeping in view the facts and circumstances of the case and as well as the dilapidated condition of the house as noticed above, particularly when the petitioner-claimant became widow at the age of 21 years, I deem it appropriate that she is entitled to the entire amount of compensation qua her share.

Accordingly, the impugned order is modified. The FDR bearing No.109574 dated 7.1.2015, drawn on Syndicate Bank, Kaithal qua share of petitioner-claimant No.1 along with interest so incurred is ordered to be released subject to terms and conditions imposed by the MACT.,Kaithal.

The revision petition is allowed.

(AMIT RAWAL)
JUDGE

March 30, 2016
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