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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **<u>Date of Decision: 04th October, 2016</u>**

\+ CM(M) 942/2016

**1** RANJU PASWAN & ORS ..... Petitioners
Through: Mr. Sanjeev Bhatia, Adv.

versus

MUKESH KUMAR & ORS ..... Respondents
Through: Mr. Sameer Nandwani and Mr. Junaidullah, Advs. for HDFC.

\+ CM(M) 946/2016

**2** RANJU PASWAN & ORS ..... Petitioners
Through: Mr. Sanjeev Bhatia, Adv.

versus

MUKESH KUMAR & ORS ..... Respondents
Through: Mr. Sameer Nandwani and Mr. Junaidullah, Advs. for HDFC.

**CORAM:**
**HON'BLE MR. JUSTICE J.R. MIDHA**

**<u>JUDGMENT (ORAL)</u>**

1. Vide award dated 12th February, 2016, the Claims Tribunal awarded the compensation of Rs.30,00,000/- to the legal representatives of deceased, Upender Paswan. The disbursement of the award amount by the Claims Tribunal is as under:-

| S.No. | Names | Status | Total Entitlement amount Rs. | Release Amount in Rs. | Period of FDR |
|---|---|---|---|---|---|
| 1. | Smt. Ranju Paswan | Widow | 11,00,000/- | Rs.1,00,000/- | Rs.2,00,000/- Three years.<br>Rs.3,00,000/- Five years.<br>Rs.5,00,000/- Ten years. |
| 2. | Master Ravi | Minor Son | 5,00,000/- | Nil | Rs.5,00,000/-<br>till he attains the age of 21 years. |
| 3. | Baby Raj Nandani | Minor Daughter | 5,00,000/- | Nil | Rs.5,00,000/-<br>till she attains the age of 21 years. |
| 4. | Master Kishan | Minor Son | 5,00,000/- | Nil | Rs.5,00,000/-<br>till he attains the age of 21 years. |
| 5. | Sh. Ram Chander Paswan | Father | 2,00,000/- | 50,000/- | 1,50,000/- Five years |
| 6. | Smt. Parwati | Mother | 2,00,000/- | 25,000/- | 1,75,000/- Five years |

2. The petitioners present in Court along with their counsel are seeking pre-mature discharge of the FDRs to repay the loan and to carry a *kirana* business in their residence.

3. In the facts and circumstances of this case, disbursement made in the order dated 12th February, 2016 is modified.

4. Union Bank of India, Dwarka is directed to prepare fresh FDRs for the amount of Rs.26,75,000/- in the following manner: -

<table>
<tr><th>Sr. No.</th><th>Duration of FDR</th><th><u>Pet. 1</u><br>Ranju Paswan (Widow) FDR amount (Rs.)</th><th><u>Pet. 2</u><br>Master Ravi (Minor son) FDR amount (Rs.)</th><th><u>Pet. 3</u><br>Baby Raj Nandani (Minor daughter) FDR amount (Rs.)</th><th><u>Pet. 4</u><br>Master Kishan (Minor Son) FDR amount (Rs.)</th><th><u>Pet.5</u><br>Ram Chander Paswan (Father) FDR amount (Rs.)</th><th><u>Pet. 6</u><br>Smt.Parwati (Mother) FDR amount (Rs.)</th></tr>
<tr><td>1.</td><td>1 yr</td><td>50,000/-</td><td rowspan="3">5,00,000/- till he attains the age of majority.</td><td rowspan="3">5,00,000/- till she attains the age of majority.</td><td rowspan="3">5,00,000/- till he attains the age of majority.</td><td>50,000/-</td><td>25,000/-</td></tr>
<tr><td>2.</td><td>2 yrs</td><td>1,00,000/-</td><td>50,000/-</td><td>-</td></tr>
<tr><td>3.</td><td>3 yrs</td><td>1,00,000/-</td><td>-</td><td>50,000/-</td></tr>
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<tr><td>4.</td><td>4 yrs</td><td>1,00,000/-</td><td rowspan="7">On maturity the Bank shall release Rs.1,00,000/- and keep balance Rs.4,00,000/- in four FDRs for Rs.1,00,000/- each for the period of 1 year, 2 years, 3 years and 4 years.</td><td rowspan="7">On maturity the Bank shall release Rs.1,00,000/- and keep balance Rs.4,00,000/- in four FDRs for Rs.1,00,000/- each for the period of 1 year, 2 years, 3 years and 4 years.</td><td rowspan="7">On maturity the Bank shall release Rs.1,00,000/- and keep balance Rs.4,00,000/- in four FDRs for Rs.1,00,000/- each for the period of 1 year, 2 years, 3 years and 4 years.</td><td>-</td><td>50,000/-</td></tr>
<tr><td>5.</td><td>5 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td>6.</td><td>6 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td>7.</td><td>7 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td>8.</td><td>8 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td>9.</td><td>9 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td>10.</td><td>10 yrs</td><td>1,00,000/-</td><td>-</td><td>-</td></tr>
<tr><td colspan="2">TOTAL</td><td>9,50,000/-</td><td>5,00,000/-</td><td>5,00,000/-</td><td>5,00,000/-</td><td>1,00,000/-</td><td>1,25,000/-</td></tr>
<tr><td colspan="6">GRAND TOTAL</td><td colspan="2">26,75,000/-</td></tr>
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5. The balance amount after issuing of FDRs for Rs.26,75,000/- be released in equal proportion to Ranju Paswan (widow of the deceased), Ram Chander Paswan (father of the deceased) and Parwati (mother of the deceased).

6. Petitioners shall intimate the particulars of their savings bank accounts to Union Bank of India, Dwarka.

7. The monthly interest on the FDRs of petitioners No.1 and three minor children shall be credited in the savings bank account No.536402010007250 of petitioner No.1, Ranju Paswan with Union Bank of India, Dwarka. The interest on the FDRs of Ram Chander Paswan and Parwati shall be credited to their individual savings Bank accounts No. 536402010007248 and 536402010007249 with Union Bank of India, Dwarka.

8. At the time of maturity, the fixed deposit amount shall be automatically credited in the individual savings bank accounts of the beneficiaries.

9. All the original FDRs shall be retained by Union Bank of India,

Dwarka. However, the photocopies of the same shall be provided to the claimants/petitioners.

10. No cheque book or debit card be issued to the claimants/petitioners without permission of this Court.

11. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

12. The claimants/petitioners shall approach the Union Bank of India, Dwarka for completing the formalities for the disbursement of the award amount in terms of this order.

13. The Union Bank of India, Dwarka shall ensure that the savings bank accounts of petitioners are individual accounts and not joint accounts.

14. Both the petitions are disposed of.

15. Copy of this judgment be sent to the presiding officer of the Claims Tribunal who passed the impugned judgment.

16. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

17. Copy of this judgment be sent to the Union Bank of India, Dwarka for compliance.

**J.R. MIDHA, J.**

**OCTOBER 04, 2016**
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