

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

CR No. 1636 of 2017

Date of Decision: 15.09.2017

HUSNA

-PETITIONER

VS

SATPAL AND OTHERS

-RESPONDENTS

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

Present: Mr. Anjum Ahmad, Advocate, for  
Mr. Ashik Ali, Advocate,  
for the petitioner.

None for the respondents.

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**RAJ MOHAN SINGH, J. (ORAL)**

Petitioner is aggrieved of order dated 30.01.2017 passed by Motor Accident Claims Tribunal, Yamuna Nagar whereby the application for release of the amount deposited with the bank in the form of FDRs was dismissed.

Notice of motion was issued on 02.03.2017. None has appeared on behalf of contesting respondents No.6 and 7.

FDR No.286342 dated 03.01.2015 in a sum of Rs.2,72,630/- was executed in the name of the petitioner. FDR No.286335 dated 03.01.2015 in a sum of Rs.3,84,875/- was executed in the name of Ashan Khan (minor son of the petitioner) and FDR No.154203 dated 22.10.2011 in a sum of

Rs.2,19,750/- was executed in the name of Ahsan Khan.

The petitioner needs finances in order to construct a pucca house as well as towards education and welfare of the minors.

In view of ratio laid down by the Hon'ble Apex Court in **Ahammed Hussain vs Irfan Ahammed, 2002 (3) RCR (Civil) 563**, the fix deposit of the amount in case of adults is not proper against his/her wishes. The deposit made by the party as per orders of the Tribunal can be allowed to be withdrawn in case of necessity.

Since, the applicant-petitioner has projected a case of dire necessity for withdrawal of the amount for the purposes of constructing a pucca house as well as for upkeepment of the minors in terms of their education and well being, therefore, I deem it appropriate to allow the petitioner to withdraw her own amount lying in FDR No.286342 dated 03.01.2015 in a sum of Rs.2,72,630/- and to encash FDR No.154203 dated 22.10.2011 in a sum of Rs.2,19,750/- executed in the name of Ahsan Khan-minor son of the petitioner.

In view of above, let the amount lying in above stated FDRs be made available to the petitioner along with consequential interest applicable thereto within a period of three weeks from the date of receipt of certified copy of this order.

Disposed of.

15.09.2017  
*jyoti*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No