

CR No.3060 of 2017 (O&M)

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**CR No.3060 of 2017 (O&M)
Date of decision: 1.5.2017**

Sahil

...Petitioner

Versus

Sohan Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned order dated 21.4.2017 (Annexure P-5), whereby application of the petitioner for release of amount of ₹10 lacs deposited in the form of FDR in the name of minor was dismissed by the learned court below, petitioner (minor), through his mother, has approached this Court by way of present revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It is a matter of record that when parties arrived at an amicable settlement, the appeal was disposed of in terms of the compromise arrived at between the parties, vide order dated 23.3.2017 passed by the learned Additional District Judge and it was pronounced in Daily Lok Adalat. It was very much made clear to the parties that an amount of ₹10 lacs, which comes

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to the share of minor-Sahil, shall be kept in FDRs and it will be withdrawn by him only after attaining the age of majority. However, in no time after passing the order dated 23.3.2017, application was got filed on behalf of minor through his mother-Reena Rani for release of ₹10 lacs which was deposited in the name of the minor by way of FDR. It was this application which has been rightly dismissed by the learned court below.

A combined reading of the orders dated 23.3.2017 and 21.4.2017 would make it crystal clear that although the minor is going to be major within a period of less than one year, yet his mother is desperate to get the amount of ₹10 lacs released under the garb of purchasing some property. The learned court below has rightly pointed out in para 3 of the impugned order that plaintiff-Sahil who was minor, has stated in his plaint that his father was a man of bad habits and a drunkard. Under these circumstances, learned court below was well justified to observe that possibility of misuse of said amount awarded to the minor cannot be ruled out. However, it does not appeal to reason as to why mother of the minor is in such a desperate hurry and why she could not wait for some months, as the minor is going to attain majority within a period of less than one year. Having said that, this Court feels no hesitation to conclude that the learned court below was well justified in passing the impugned order and the same deserves to be upheld.

Such orders directing to keep the amount of share of minors in FDRs are being passed by the learned courts of competent jurisdiction only to secure the interest of minors, so that their relatives may not misuse the money and the minors would not be left in lurch. Such type of orders are being passed due to experience gained by the court in the recent past, where instances of misusing of shares of minors have come to the notice of the

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court. Once the amount is misused by the close relatives of the minor or by anybody else, there would be hardly any scope to reimburse the minor and he would be the only loser for all times to come. Greed neither spares any relation nor it knows any limit. This seems to be the reason that the learned court below passed the impugned order, which has not been found suffering from any patent illegality or perversity, thus, the impugned order deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present revision petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

1.5.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No