

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 4320 of 2016

Date of Decision: 17.02.2017

Laddy @ Mandeep Kaur Saini

.....Petitioner

Vs.

Krishan Kumar and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms.Ekta Thakur, Advocate
for the petitioner.

None for respondents No. 1 and 2.

Mr.G.S. Ahluwalia, Advocate for respondent No.3.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 21.05.2016 passed by learned Motor Accident Claims Tribunal, Chandigarh, declining the request of the petitioner for release of the amount deposited in her favour by the respondent No.3-Insurance Company, petitioner has approached this Court, by way of instant revision petition under Article 227 of the Constitution of India, for setting aside the impugned order.

Notice of motion was issued.

Heard learned counsel for the parties.

Learned counsel for the parties are, *ad-idem* that for the purpose of impugned order, it is respondent No.3-Insurance Company alone who is the contesting party.

After hearing learned counsel for the parties and going through the impugned order, this Court is of the considered opinion that learned Motor Accidents Claims Tribunal, Chandigarh, fell in serious error of law,

while declining the genuine prayer of the petitioner for release of the deposited amount in her favour. It is so said that once the identity of the petitioner has been duly established on record and this fact has also gone undisputed, the learned Court below ought to have ordered the release of the amount deposited by the Insurance Company in favour of the petitioner.

During the course of hearing, learned counsel for respondent No.3-Insurance Company very fairly stated that the petitioner has produced her *Aadhar Card* also before the learned Court below and a bare reading thereof would establish her identity without any doubt. In addition to that, petitioner had already furnished her affidavit *Ex.AW-1/A* to the effect that she was known by her nick name as '*Laddy*', but in the school record her name was recorded as '*Mandeep Kaur Saini*'. Once these specific categorical averments taken by the petitioner in her sworn affidavit have gone undisputed and her identity has been established, the impugned order cannot be upheld.

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 since the impugned order has not been found to be suffering from any patent illegality or perversity, the same cannot be upheld. Accordingly, impugned order is hereby set aside.

Since the identity of the petitioner has gone undisputed before this Court, learned Motor Accidents Claims Tribunal, Chandigarh is directed to release the amount, lying deposited with it at the hands of respondent No.3-Insurance Company in the shape of *FDR bearing No.996864 dated 17.12.2010*, without any delay and in any case within a

period of one month from the receipt of a certified copy of this order.

Resultantly, with the abovesaid observations made and directions issued, instant revision petition stands allowed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

17.02.2017
ANJAL

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No