IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5115 of 2017
Date of decision:-03.08.2017

Israil **...Petitioner**

Versus

Ld. MACT and another **...Respondents**

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr.Ashish Gupta, Advocate, for the petitioner.

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RITU BAHRI, J. (Oral)

The prayer in the instant revision filed under Article 227 of the Constitution of India is for setting aside the order dated 12.07.2017 (Annexure P-1) passed by the learned MACT, Mewat and further praying for allowing the petitioner to withdraw the amount lying deposit in FDR with respondent No.2 i.e. Bank of Baroda, Branch Nuh, District Nuh (Mewat).

A perusal of the said order shows that the award was passed on 24.03.2017 in MACT Case No.MACP/720/2016 in favour of the claimant/petitioner as his son Nazim who has died in motor vehicular accident on 16.05.2016 leaving behind mother, father and siblings. The learned Tribunal has awarded Rs.11,89,000/- along with 7.5% interest per annum. Out of the total amount, 35% was awarded to the petitioners and the same was ordered to be deposited in the Bank Account of the petitioner in the shape of FDR for a period of one year to the Bank of Baroda. Learned Tribunal had rejected the application of the petitioner on the ground that the time for disbursement of the amount of FDR is one year and it is nowhere mentioned in the Award that the amount of FDR can be got released prematurely. Learned counsel for the petitioner has referred to the judgment of Hon'ble Supreme Court in the case of H.S.Ahammed Hussain Vs. Irfan Ahammed 2002(3) RCR (Civil) 563, wherein, a direction has been issued in favour of parents that they can withdraw their share of compensation, prematurely, if the same has been deposited in the bank. The related part of the judgment is as under :

> *" Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit in a nationalized bank. In the facts and circumstance of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalized bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by deposit in a national bank, there may be its premature withdrawal in case the parties so intend."*

In view of the above, the order dated 12.07.2017 is set aside and direction is given to learned MACT, Mewat, to allow the petitioner to withdraw the amount prematurely lying deposit in FDR with respondent No.2 i.e. Bank of Baroda, Branch Nuh, District Nuh (Mewat).

(RITU BAHRI)
JUDGE

03.08.2017
anil

Whether speaking/reasoned	Yes
Whether reportable	No