

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

C.R. No. 5315-2017

Date of decision:- 11.08.2017

Ram Kumar Garg and anr.

...Petitioners

Versus

Punjab National Bank & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Munish Mittal, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

The prayer in the instant revision petition filed under Article 227 of the Constitution of India is for modification of the order dated 06.05.2017 (Annexure P-3) passed by the learned MACT, Yamuna Nagar at Jagadhari (for short 'the Tribunal) for releasing the amount of Rs.2,50,000/- and further prayer is for direction to respondent No. 1 to release the entire amount of FDR No. 468200DP00008859 and FDR No. 468200DP00008840 in favour of the petitioners.

A perusal of the said order shows that the award was passed on 28.10.2015 by the Tribunal in favour of the claimants/petitioners as their son Naman Kumar Garg who died in motor vehicular accident on 30.11.2013 leaving behind petitioners and one brother of the deceased. The learned Tribunal has awarded Rs.8,90,000/- along with 8% interest per annum to be given to the petitioners. Out of the total amount, Rs.5 lacs were awarded to petitioner No. 2 and Rs.3,90,000/- to petitioner No. 1. The learned Tribunal thereafter ordered that Rs. 1 lacs shall be released to the petitioners in cash and the remaining amount of their respective shares with interest was ordered to be deposited in their names in some notionalized

bank in fixed deposit scheme for a period of five years.

Since the petitioners were in dire need of money, as they had taken the loan from the LIC amounting to Rs.9 lacs and another amount of Rs.5 lacs, they filed an application for giving direction to respondent No. 1 releasing the F.D.R in favour of the petitioners amounting to Rs.3,48,189/- and Rs.4,71,113/-.

However, the learned Tribunal partly allowed the application of the petitioners and ordered to release a sum of Rs.1 lacs in favour of petitioner No. 1 and Rs.1,50,000/- in favour of petitioner No. 2.

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.”

Following the ratio of the above mentioned judgment of Hon'ble the Supreme Court, order dated 06.05.2017 (Annexure P-3) is

modified and direction is given to the Tribunal, to allow the petitioners to withdraw the entire amount prematurely lying deposit in the bank-respondent No. 1 in the shape of F.D.R's mentioned above.

Accordingly, the petition stands partly allowed

August 11, 2017
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>