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

**CR No.6354 of 2017
Date of Decision: 18.09.2017**

Smt. Neelam (since deceased) through her legal heir namely Mohan Lal ......Petitioner

Versus

Mohinder Pal and others .....Respondents

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

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

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RAJ MOHAN SINGH, J.(Oral)

[1]. Learned counsel for the petitioner submitted that total award to the tune of Rs.19,52,000/- was passed by the Motor Accident Claims Tribunal, Karnal along with interest @ 7% per annum from the date of filing of the claim petition till final realisation of amount. The award was divided into three parts. The entitlement of applicant/petitioner Mohan Lal was assessed to be Rs.7,70,351/-. Out of the aforesaid amount, petitioner has already been allowed withdrawal of 50% of the amount vide order dated 14.07.2017 passed by the Motor Accident Claims Tribunal, Karnal.

[2]. Learned counsel further submitted that the petitioner does not want to touch the FDRs in the name of minor children

namely Ms. Riya and Master Aryan. Only remaining amount of 50% lying in fixed deposit of the petitioner is sought to be withdrawn on the ground that agreement to sell in respect of 12 kanals of land has been executed by the petitioner for a total consideration of Rs.30,00,000/- per acre and he has already paid Rs.11,65,000/- by cheques and cash. In order to honour the aforesaid obligation, he is in dire need of finances for which the remaining amount of 50% is sought to be encashed.

[3]. In view of observations made by Hon'ble Apex Court in ***H.S. Ahammed Hussain v. Irfan Ahammed, 2002(3) RCR(Civil) 563***, the deposit of the amount in case of adults is not proper. Even the land transaction which is sought to be given effect by the petitioner would be beneficial to the entire family.

[4]. In view of above, remaining amount of 50% lying in the FDR of the petitioner is allowed to be withdrawn by him. Since the deposit was made as per order of the Motor Accident Claims Tribunal, Karnal, therefore, the Bank would have no obvious objection to the aforesaid course.

[5]. In view of above, let the remaining amount of 50% lying deposited in the FDR of the petitioner along with consequential interest applicable thereto be allowed to be paid to the petitioner within one week from the date of receipt of certified copy of this

order by the Bank.

[6]. Disposed of accordingly.

September 18, 2017. **(RAJ MOHAN SINGH)**

Prince **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No