

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

CR No. 7472 of 2017

Date of Decision: 01.11.2017.

Makhan Ram

... Petitioner

Versus

Rajesh and Ors.

... Respondents

CORAM : Hon'ble Mr. Justice B.S.Walia

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

B. S. Walia, J.

1. Learned counsel for the petitioner contends that the order of the Learned MACT directing deposit of awarded amount in FDR is unsustainable in view of the decision in **H.S.Ahammed Hussain & Anr vs Irfan Ahammed & Anr, 2002(6) RCR (Civil) 563** in which it has been held that compensation awarded is liable to be deposited in FDR in the case of a minor claimant but not so in the case of a major claimant.

2. Learned counsel for the petitioner relies upon paragraph No. 8 of the decision in **H.S.Ahammed Hussain's case(supra)**.

Paragraph No. 8 of the aforesaid decision is reproduced 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 nationalised bank. In the facts and circumstances 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 nationalised

bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

3. Learned counsel for the petitioner also relies upon the decision of this Court in case titled as ***Jasbir Kaur and another Vs. The Oriental Insurance Company 2004 (1)(RCR) (Civil) 108***. Paragraph Nos. 7 and 8 of the aforementioned decision are reproduced as under:-

“The case of the present petitioners is squarely covered by the judgment rendered in H.S. Ahammed Hussain's case (supra).

Consequently, it is ordered that on an application of the present petitioners, the concerned Bank official would release their FDRs as premature withdrawal and the cash amount along with interest accrued till date would be given to them.”

4. A sum of Rs. 3,10,000/- was awarded by the learned MACT, Yamuna Nagar along with interest at the rate of 7.5 per cent in favour of the petitioner i.e. father of the deceased. Out of the total awarded amount, 1/3rd amount along with interest was ordered to be paid immediately to the petitioner while the remaining amount was directed to be deposited in some nationalized bank in the form of FDR in the name of the petitioner for a period of 3 years with accrued interest thereon to be paid to the petitioner regularly.

5. Pursuant to the aforementioned directions of the Tribunal, FDR Annexure P-2 was made in the Central Bank of India for a sum of Rs. 2,20,000/-.

6.

An application was moved by the petitioner before the

learned MACT, Yamuna Nagar at Jagadhri for premature release of FDR amount i.e. Rs.2,20,000/- in FDR No. 297125 dated 13.05.2016 for re-construction of his residential house. Vide order dated 10.01.2017 the learned MACT, Yamuna Nagar allowed a sum of Rs.50,000/- to be released to the petitioner and it was thereafter that the application was disposed of vide order dated 12.01.2017 by observing that no further proceedings were required to be taken in the matter.

7. Learned counsel contends that the action of the learned MACT in not releasing the entire amount and instead placing 2/3rd amount in FDR is contrary to the ratio of the judgments of the Hon'ble Supreme Court as well as this Court.

8. I have considered the submission's of learned counsel. The claim of the petitioner is squarely covered by the judgments as referred to above. Accordingly, revision petition is allowed.

9. The concerned bank through its Branch Manager is directed to release the FDR as premature withdrawal in favour of the petitioner claimant and pay cash amount along with interest due thereon up to date to the petitioner against proper identification. Revision petition allowed with aforementioned directions.

(B.S. WALIA)
JUDGE

November 01, 2017
P.Sharma

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No