IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.8150 of 2017
Date of Decision: 21.11.2017

Naseem Akhtar and others ...Petitioners

VERSUS

Learned MACT and others ...Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr.Ashish Gupta, Advocate, for the petitioners.
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RITU BAHRI, J. (Oral)

The petitioner has come up in revision against the order dated 10.08.2017 (Annexure P-1) whereby his application for release of fixed deposit in the name of petitioners has been dismissed.

A perusal of the order shows that vide Award dated 01.03.2017 (Annexure P-2) passed by learned MACT, Mewat, a direction was given to the to the respondent/Insurance Company to deposit the awarded amount in some nationalized bank in the shape of FDR for a period of one year. In compliance of the same, amounts of share of applicants were deposited in Fixed deposit for a period of one year in different banks. In between, marriage of applicants Rahul Akhtar, Sabiya Akhtar was fixed for 09.09.2017 and 10.09.2017, respectively and applicant Naseem Akhtar who is father of both the applicants was required of money for this purpose and he filed application before the learned Tribunal where, his application for release of amount was dismissed.

This Court while allowing the judgment in the case of **Israil Vs. Learned MACT and another** followed 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 parts 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 impugned order dated 10.08.2017 (Annexure P-1) is set aside and direction is given to the learned MACT, Mewat, to allow the petitioners to withdraw the amount prematurely lying deposited in the shape of FDR with the respective nationalized banks i.e. respondents No.2 to 4 forthwith.

Revision is allowed accordingly.

(RITU BAHRI)
JUDGE

21.11.2017
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