

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-8252-2017

Date of Decision:- 27.11.2017

Priya Ojha and others

.....Petitioners

Versus

Salinder Singh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Namit Sharma, Advocate, for the petitioners.

RITU BAHRI, J. (Oral)

Petitioners have come up in revision against order dated 16.08.2017 (Annexure P/1) whereby the application moved by petitioner No.4 for releasing of amount of FDR No.749794 has been partly allowed.

Vide award dated 09.08.2016, the Motor Accident Claims Tribunal, Karnal, has awarded the compensation of Rs.19,67,800/- in equal shares to the claimants-petitioners. The share of Jagdish Parsad Ojha (applicant-petitioner No.4) came to the tune of Rs.3,93,560/-. He is major and his amount was directed to be kept in FDR.

Reference, at this stage, can be made to a judgment passed by the Hon'ble Supreme Court in 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 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 nationalized 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 nationalized 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 16.08.2017 (Annexure P-1) is modified and a direction is given to the Tribunal to allow petitioner No.4 to withdraw the entire amount prematurely lying deposit in the Oriental Bank of Commerce, Sector 12, Karnal, in the shape of FDR. Accordingly, the present revision petition stands partly allowed.

November 27, 2017
anil

(RITU BAHRI)
JUDGE