

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

CR No. 8281 of 2017 (O&M)

Date of Decision: 28.11.2017

AMANDEEP KAUR

-PETITIONER

VS

MOHMAD AAMIN AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipul Sharma, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Petitioner has assailed the order dated 13.09.2017 passed by Motor Accident Claims Tribunal, Ambala to the extent of allowing the petitioner to encash 50% of her share in the FDR and further granting liberty to the petitioner to file fresh application after showing proper utilization of said 50% of the amount of her share.

[2]. The award of the Motor Accident Claims Tribunal, Ambala was stayed to the extent of 50% in FAO No.3323 of 2016 at the instance of Reliance General Insurance Company Limited. Remaining 50% of the compensation was deposited by the Insurance Company as per the directions in the award. The share of the petitioner came to be 70% of the amount deposited by the Insurance Company.

[3]. The petitioner was in need of finances on account of purchase of plot and for raising construction of the house. Only 50% of her share is allowed to be released by encashment of FDR and liberty was given to her that on showing proper utilization of said amount, she can move application for encashment of the remaining amount.

[4]. In H.S. Ahammed Hussain Vs. Irfan Ahammed, (SC) 2002(3) RCR (Civil) 563, the Hon'ble Apex Court has observed that fixed deposit of the amount in case of adult is not proper.

[5]. In the present case, need for encashment of FDR has been appreciated by the Motor Accident Claims Tribunal but to the extent of withdrawal of 50%.

[6]. In my considered opinion, the petitioner is entitled to withdraw her share by way of encashment of FDR for the purpose of construction of her house.

[7]. In view of nature of order which this Court proposes to pass, there is no necessity of issuing any notice to the respondents as the Bank would have no obvious objection in withdrawal of the amount.

[8]. In view of above, the impugned order is modified to the extent of allowing the prayer of the petitioner in toto. The amount deposited in the FDR be made available to the

petitioner along with consequent interest applicable thereto within two weeks from the date of receipt of certified copy of this order.

[9]. Disposed of.

28.11.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No