

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

**Civil Revision No.8367 of 2017
Date of Decision: 22.12.2017**

Anita and others

....Petitioners

V/S

Pawan and Others

....Respondents

BEFORE: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Gopal Sharma, Advcoate,
for the petitioners.

RITU BAHRI, J.(Oral)

The present petition has been filed against the order dated 24.10.2017 Annexure P-1 passed by MACT Rewari (for short 'the Tribunal) whereby an application for the release of 50% of the FDs amount pertaining to petitioners has been partly allowed.

A persual of the said order shows that the award passed on 24.10.2017 by the Tribunal in favour of the claimants/petitioners on account of death of Ram Niwas in the unfortunate accident and the deceased left behind his widow (petitioner No.1), 3 minor Children and old aged parents (petitioner No.2 and 3). Tribunal has awarded sum of Rs. 68,07,500 as compensation. Out of the total amount of compensation, Tribunal distributed the amount to the claimants as under:

Claimant No. 1	:	Rs. 29,07,500/-
Claimant No. 2	:	Rs. 9,00,000/-
Claimant No. 3	:	Rs. 9,00,000/-
Claimant No. 4	:	Rs. 9,00,000/-
Claimant No. 5	:	Rs. 6,00,000/-
Claimant No. 6	:	Rs. 6,00,000/-

The Tribunal, thereafter, ordered that Rs. 1 lacs shall be

released to the petitioners in cash and the remaining amount of their respective shares with interest was ordered to be deposited in their names in some nationalised bank in the shape of FDs.

Since the petitioners were in dire need of money, as they filed the application on 27.09.2017 for releasing the fixed deposit amount in the name of petitioners. However, the learned Tribunal partly allowed the application of the petitioners and ordered to release 50% of the fixed deposit amount.

Learned Counsel for the petitioners referred to the judgment of Hon'ble Supreme Court in the case of **H.S. Ahammad Hussain Vs. Ifran Ahmmed 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 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 deposit in a national bank, there may be its premature withdrawal in case the parties so intend."

Following the ratio of the above mentioned judgment of

Hon'ble Supreme Court, order dated 24.10.2017 (Annexure P-1) is modified and direction given to the Tribunal, to allow the petitioners to withdraw the entire amount prematurely lying deposit in the bank in the shape of the FD mentioned above.

Accordingly, the petition stands partly allowed.

December 22nd, 2017
Riya Grover

(RITU BAHRI)
JUDGE