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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2563 of 2017 (O/M)

Date of decision : 3.5.2017

Geeta Devi and another

..... Appellant (s)

Versus

Union of India

..... Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Somesh Gupta, Advocate, for the appellants.

Mr. Karminder Singh, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Mr. Karminder Singh, Advocate, has put in appearance on behalf of respondent-UI. Since the limited claim in this appeal is to remove the condition regarding release of amount of compensation in installments, therefore, the matter can be decided without calling for the record.

On account of death of one Kamlesh Shah, husband of appellant No. 1 and son of appellant No. 2, a compensation of Rs. 8,00,000/- was awarded by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, vide its judgment dated 17.3.2017. However, at the same time, the following condition was imposed by the Tribunal :-

“ However, out of the aforesaid compensation amount payable to the applicants, initially, only 15% of the compensation amount shall be paid to them immediately and rest of the entire amount together with interest accrued thereon

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shall be invested in the fixed deposits in their favour in the same bank for a period of three years. However, after one year, one third of the amount will be released to the applicants. The another one third will be released in the second year and the remaining amount will be released after the completion of third year.”

The appellants are aggrieved of the said condition.

After hearing the learned counsels for both the parties, I am of the view that appellant No. 1 lost her husband at young age. She will need money to get settled in life. Appellant No. 2, mother of the deceased will also need money for day to day expenses. Therefore, there is no justification in releasing the money in installments. Therefore, the abovenoted condition imposed in the award dated 17.3.2017 is hereby set aside. Respondents are directed to pay the amount of compensation in one go.

In view of the above, the present appeal is allowed.

(KULDIP SINGH)
JUDGE

3.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No