

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 2665 of 2017 (O/M)
Date of decision : 3.5.2017

Gianta Devi and others Appellant (s)

Versus

Union of India Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

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)

Heard.

Notice of motion.

Mr. Karminster Singh, Advocate, who is present in Court today, accepts notice on behalf of respondent.

Since it is a matter regarding interim order passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, (in short 'the Tribunal') the same can be decided without calling for the record.

The present appellants were granted compensation to the tune of Rs. 4,00,000/- with interest by the Tribunal, vide judgment dated 4.3.2013. When an application was filed for release of the said money, the impugned order dated 7.2.2017 was passed by the Tribunal, whereby the amount of compensation was ordered to be deposited in the form of FDR.

After hearing the learned counsels for both the parties, I am of the view that when there is no condition imposed in the judgment dated

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4.3.2013, passed by the Tribunal, at the time of release of the money, no condition can be imposed over and above the judgment to deposit the money in the form of FDR or order that only part of that amount to be released that too in installments.

In view of the above, the impugned order is held patently illegal and is hereby quashed. Respondents are directed to release the entire share of appellant No. 1 alongwith interest in one go, in terms of the judgment dated 4.3.2013, passed by the Tribunal and release the share of minor children on attaining the age of majority without any further orders from the Court.

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

(KULDIP SINGH)
JUDGE

3.5.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No