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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2036/2017 & CM 8985/2017**

GEETA @ GITA DEVI

..... Petitioner

Through : Mr. Dalip Kumar Santoshi, Advocate
with petitioner in person.

versus

UCO BANK KARKARDOOMA COURT COMPLEX DELHI

..... Respondent

Through : Md. Khairul Hussain, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

06.03.2017

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1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to UCO Bank, Karkardooma Court Branch to release a sum of Rs.2,10,527/- placed in a FDR in terms of an order passed in the MACT proceedings.

2. Prior to filing the present petition, the petitioner had approached the learned MACT court asking for pre-mature release of the FDR. The said application was however rejected vide order dated 28.1.2017 wherein, it was recorded that an accident had taken place on 3.6.2015, when the petitioner's husband had lost his life. A sum of Rs.11,65,000/- was paid as compensation to his family members in the course of the MACT proceedings. Out of the aforesaid amount, a sum of Rs.5,57,500/- was released in favour of the petitioner on 19.1.2016 and 3.2.2016. Thereafter, an amount of Rs.50,000/-

was released in favour of the petitioner on 2.5.2016. Subsequently, a FDR of Rs.1,50,000/- drawn in favour of the minor son of the petitioner, was also released on maturity. In all, by now the petitioner has received a sum of Rs.8,07,500/- from out of the total compensation of Rs.11,65,000/-. Noting that no details have been furnished by the petitioner as to where and how the aforesaid amount has been spent, the learned trial court has rejected her request for release of the balance amount on the ground that she needs the funds for the marriage of her son and daughter scheduled for tomorrow.

3. Counsel for the petitioner states that the money received by the petitioner earlier was used towards undertaking some construction work in the residential premises. The said submission is however contrary to the averments made in para 7 of the writ petition, wherein the petitioner has specifically stated that the said amounts were spent in paying back the money that had been borrowed by her deceased husband, without a shred of document filed on record to substantiate the said averment.

4. Learned counsel for the petitioner has been called upon to give the details of the family members left behind by Late Shripal (husband of the petitioner). The Court is informed that apart from his widow, the petitioner herein, he is survived by four children out of whom, one is already married, the marriage of two children (a son and daughter) is scheduled for tomorrow and there is a school going son aged 14 years.

5. Merely because of two of the petitioner's children are to get married tomorrow, would not be a ground to interfere in the impugned order. The trial court is justified in observing that the purpose of awarding the compensation is to put the family members of the deceased in the same financial position as they would have been had the deceased been alive and

from the compensation received, his family members would have continued to receive a portion of his income every month, but not in a lump sum fashion.

6. If the remaining amount lying with the Bank is also directed to be released in favour of the petitioner right away, there will be nothing left for a fall back. Even the education of the minor son is likely to be jeopardised. In view of the above facts and circumstances, the prayer made in the petition is declined. The writ petition is dismissed along with the pending application.

MARCH 06, 2017
sk/ap

HIMA KOHLI, J

