

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

Civil Revision No.1502 of 2017

Date of Decision:12.10.2018

Niranjan Singh

.....Petitioner

Vs.

Uday Pal Singh and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Deepak Kumar, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

By this petition the petitioner seeks a modification of the order dated 01.10.2016 (Annexure P-3), passed by the learned MACT, Kaithal, whereby the application for release of the amount lying in a fixed deposit, has only been partly allowed, (only Rs.50,000/- having been ordered to be released out of the total sum of Rs.2,24,203/-).

Pursuant to the order dated 05.10.2018, Mr.Vinod Gupta, Advocate, who was counsel for the Uttar Pradesh State Road Transport Corporation (UPSTC) in FAO no.2942 of 2001 (filed by the petitioner against the Award of the learned Motor Accident Claims Tribunal, Kaithal), is present. (That Award is the one out of which eventually this petition also arises).

He submits that no appeal as a matter of fact has been filed by the Corporation against the Award by which the petitioner herein was granted compensation, though in connected claim petitions the claimants

had also filed appeals, seeking enhancement, with such enhancement having been granted to them, against which again no appeal has been filed in the Supreme Court.

That being so, with the petitioner herein seeking only release of the amount awarded to him by way of compensation, and the petitioner not being a minor in any case, I see no reason as to why he should be denied the amount due to him, if he does not wish to continue with it in a fixed deposit.

Consequently, this petition is allowed and the impugned order passed by the learned MACT, Kaithal, dated 01.10.2016, is set aside, with that Court directed to pass an order directing the bank concerned to release the amount deposited by way of a fixed deposit, alongwith that interest that has accrued upon it.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

October 12, 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES
Whether Reportable : YES