

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

Civil-Revision-4596-2018
Date of Decision:06.09.2018

Rajinder Kumar

.....Petitioner

Vs.

Rekha and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Mahavir Singh, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (Oral)

In the present case, otherwise there would be no reason to interfere with the impugned order, in as much as the natural custody of the child would normally remain with the mother of the child, (with the father of the child having died in an accident), and therefore compensation, if any eventually is to be paid as per any Award passed by the learned MACT, Sonapat, would be payable through the mother as the natural guardian of the child.

However, when a petition under Section 8 of the Guardians and Wards Act, 1890, as per the petitioners' own contention, is still pending before the competent Court, in which it would be decided whether the custody of the minor child is to be given to the petitioner or to his mother, i.e. respondent no.1 herein, therefore, naturally, whatever orders are passed in that petition, as attain finality, would determine as to whether the compensation payable to the minor child (if any is awarded by the MACT), is to be disbursed through the guardian concerned (or whether it is to be still kept in fixed deposit till the child attains majority).

That being so, this petition is disposed of with the direction that if any compensation is awarded to the minor child in the proceedings before the Motor Accident Claims Tribunal, the said compensation shall be ordered by the Tribunal to be kept in a fixed deposit in the name of the child, presently through his mother, i.e. respondent no.1, but with specific directions that it is not to be withdrawn till the decision of the petition filed by the present petitioner under the Guardians and Wards Act, 1890.

If the said petition is decided in favour of the petitioner, he would be at liberty to file an appropriate application for either release of the compensation awarded to the child, i.e. respondent no.2, or to get the name in the fixed deposit corrected as regards the guardian of the child.

Disposed of.

(AMOL RATTAN SINGH)
JUDGE

September 06, 2018.
dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO