

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5940 of 2018

Date of Decision: 26.09.2018

Salindro

.....Petitioner

Vs.

Canara Bank, Pipli, District Kurukshetra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kulwant Singh Dhanora, Advocate,
for the petitioner.

Mr. Neeraj Khanna, Advocate,
for respondent no. 4.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned Motor Accidents Claims Tribunal, Kurukshetra, dated 29.08.2018 (Annexure P-2), by which compensation awarded to her, as was ordered to be deposited in a fixed deposit vide the Award of the said Tribunal dated 03.10.2017, has been refused to be released to her.

[It is to be noticed here that she is the mother of the deceased and was a co-claimant with her daughter-in-law and grand-children, i.e. the widow and children of the deceased. However, it has been erroneously stated in the order of this Court dated 20.09.2018 that the petitioner is the wife of the deceased and her co-claimants were her mother-in-law and two minor children].

It is seen from the impugned Award that the petitioner was awarded 25% of the total compensation of Rs. 18,77,500/- awarded to all the claimants, she

being petitioner/claimant no. 4 in the claim petition, with only 25% of the amount awarded to her ordered to be released by directly depositing it in her savings account and the remaining 75% of the compensation falling to her share, i.e. 25% of the total compensation, to be deposited in a fixed deposit.

Mr. Neeraj Khanna, learned counsel for the respondent no. 4 (the insurance company), on instructions, has submitted that so far at least no appeal has been filed against the judgment of this Court passed in FAO No. 8099 of 2017 and in any case, the amount deposited by the insurance company was only after the judgment of this Court in FAO No. 8099 of 2017, by which the compensation awarded by the Tribunal was maintained.

That being so, this petition is allowed with the petitioner held entitled to receive the entire compensation falling to her share.

Consequently, the impugned order of the learned Tribunal is set aside with the Tribunal directed to issue necessary orders within a period of one month, to the Bank in which the fixed deposit in the name of the petitioner was made, to release the entire amount of the fixed deposit, along with the interest that has accrued thereupon, to her.

No order as to costs.

September 26, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes