

N THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

119

CR No.6861 of 2018

Date of decision:12.11.2018

Sheela and others

... Petitioners

versus

Mukesh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Ms.Parveen Dutt, Advocate,
for the petitioners
Ms.Vandanaa Malhotra, Advocate,
for respondent no.3.
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners challenge the order of the learned Motor Accident Claims Tribunal, Palwal, dated 1.8.2018 (Annexure P-3), partly allowing the application by which petitioner no.1 seeks release of the compensation awarded to her vide the Award of the Tribunal dated 2.4.2018 (Annexure P-1). The compensation had been ordered to be deposited in a fixed deposit, and the application has been allowed only to the extent that 25% of the amount standing deposited has been ordered to be released to her, with the rest to remain in the fixed deposit.

Though even otherwise, on the date that the petition first came up for hearing, I did not see any reason to not allow this petition, as petitioner no.1 is a fully grown woman, 36 years of age with 3 children, however, firstly simply to try and determine as to whether any part of the award had been reversed or stayed in any appeal filed by the respondents, notice had been issued, with Ms.Vandanaa Malhotra, Advocate, learned

counsel for respondent no.3, (i.e. the insurance company that had insured the vehicle of respondent no.2), having appeared.

Today she has taken instructions to the effect that no appeal has been filed by the insurance company against the aforesaid award.

That being so, I see no reason to not allow this petition.

Consequently, the petition is allowed with the learned Motor Accident Claims Tribunal, Palwal, directed to immediately order release of the entire amount of compensation granted to petitioner no.1 vide the Award dated 2.4.2018, other than the amount that was to be paid to her children, i.e. petitioners no.2 to 4, which amount shall, naturally, continue to remain in a fixed deposit till each of the children attain majority and can claim their individual shares to the said amount.

The amount to be released to the petitioner shall be by way of a demand draft issued in her name, or by way of transfer from the fixed deposit to her Savings Bank account.

The impugned order is consequently set aside.

12.11.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No