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

Civil Revision No.7419 of 2018

Date of Decision: 16.11.2018

Balbir Kaur

..... Petitioner

Versus

Gurmail Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

SUDIP AHLUWALIA J. (ORAL)

1. Seen Office Report.
2. Respondent No.4-Insurance Company has been served through his authorized officer.
3. This revision petition is directed against the impugned order dated 14.03.2018 passed by the Ld. Additional District Judge/MACT, Patiala (Annexure P-3), vide which the petitioner's prayer for releasing the FDR amount in her name was rejected after observing *inter alia* :-

“3. Through this application the applicant sought release of the amount of the FDR which is going to mature on 31.3.2022, whereas in the award dated 17.1.2003 there is direction to keep the amount in the shape of FDR for five years. I am of the opinion that releasing the amount of FDR prior to the maturity date is beyond the scope of award of Tribunal. Moreover the Hon'ble High Court vide order dated 2.2.2014 has not set aside the condition of depositing the amount in the shape of FDR as directed by the Tribunal. Keeping in view the above said findings of the Tribunal, in case the amount of FDR is ordered to be released before its

maturity, it would amount to review of the award of the Tribunal. Hence, the application filed by applicant has no merits and is hereby dismissed.”

4. On perusal of the final order dated 02.04.2014 passed in FAO No.4155 of 2003 (Annexure P-1), it is seen that it was specifically observed by this Court that :-

“The Tribunal has awarded the compensation only for the mother and not for the brother. I find no error in this regard. The elder brother cannot be dependent nor he could expect any service more that a mother could have secured from a daughter. The right of enforcement shall, therefore, available only to the second appellant.”

5. There thus remains no ambiguity that the present petitioner, who was the second appellant in the aforesaid FAO, alone has the right of enforcement to the compensation awarded, and therefore, the decision of the Ld. Tribunal in holding that she could not be permitted to encash the enhanced FDR amount before its maturity date is altogether uncalled for since even in the final order dated 02.04.2014 in the aforesaid FAO, this Court had not passed any direction whatsoever to keep the compensation amount in any FDR for any particular period of time.

6. For the aforesaid reasons, the impugned order is set aside and the petitioner is granted liberty to have the concerned FDR encashed as prayed for.

7. Disposed off.

16.11.2018

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No