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

Civil Revision No.7954 of 2018

Date of Decision: 22.11.2018

Rajwanti

..... Petitioner

Versus

Motor Accidents Claims Tribunal, Kurukshetra and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vivek Goyal, Advocate for the petitioner.

SUDIP AHLUWALIA J. (ORAL)

1. This revision petition is directed against the order dated 08.10.2018 passed by the Ld. Motor Accident Claims Tribunal, Kurukshetra, whereby the petitioner's prayer for releasing the amount of FDR lying deposited in her name with interest was rejected by the Ld. Tribunal with the following observations:-

“....The applicant has attached only one writing of the Sarpanch that some portion of the house of the applicant had fallen. However, the applicant has not attached any documentary evidence showing that her house is in dilapidated condition or that some portion of the house had fallen. Even, the applicant has not attached any such photographs of the house in question. Further, as per the award dated 18.05.2017, 25% of the awarded amount was ordered to be released and further it was also ordered that interest on the fixed deposit shall be paid to her monthly by automatic credit in her saving account.

So, in view of the above, there is no urgency to release the F.D.R. in favour of the applicant and the

application is denude of any merit. Hence, the application is hereby dismissed.”

2. Notice need not be issued upon respondents since in view of the order proposed to be passed as no conceivable prejudice is liable to be caused to them.

3. The petitioner in the present case happens to be the widow of deceased Mehar Singh, who was killed in a Motor Accident. Compensation was awarded to her and two of her minor children by the Ld. Motor Accident Claims Tribunal, Kurukshetra. The original Composite compensation assessed was ₹12,71,800/- in favour of all the claimants. It was, however, reduced to ₹10,32,000/- by a Co-ordinate Bench of this Court in FAO No.4756 of 2017 and FAO No.295 of 2018. The proportional entitlement of the various claimants as determined in the original award was, however, not altered. The petitioner was, therefore, entitled to 40% of the entire compensation awarded while the remaining two claimants were awarded compensation at the rate of 30% each. Further, the Ld. Trial Court directed release of 25% of the awarded amount to her, and deposit of the balance in FDR in a nationalised Bank for ten years.

4. Ld. Counsel for the petitioner cites the decision of the Hon'ble Supreme Court in the case of “H.S. Ahammed Hussain Vs. Irfan Ahammed”, 2002(3) R.C.R. (Civil) 563, wherein it was held that :-

“8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit in a nationalised bank. In the facts and circumstance of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed

deposit in a nationalised bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

5. The aforesaid decision was followed by this Court in “**Indra Devi Vs. Dharam Singh and others**” 2006(4) R.C.R. (Civil) 762.

6. Admittedly, the petitioner is the widow of the deceased victim and has attained the age of majority almost two decades ago. She is, therefore, fully covered by the *ratio* of the aforesaid judgments and as such there is no conceivable justification to deny her admissible entitlement.

7. Consequently, the impugned order passed by the Ld. Tribunal is *ex facie* untenable. It is, therefore, set aside with the direction upon the Ld. Tribunal to do the needful for release of the petitioner's full admissible individual share in her favour expeditiously.

8. Disposed off.

22.11.2018

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No