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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.8301 of 2018

Date of Decision: 06.12.2018

Deputy @ Jasbir Singh

..... Petitioner

Versus

Dinesh Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Sonia G.Singh, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present petition is preferred against the impugned order dated 12.10.2018, passed by the Ld. District & Session Judge-cum-MACT, Karnal.

2. In the said order, Ld. Tribunal had declined the prayer of the present petitioner for a direction upon respondent No.2 (Union Bank of India) to encash the F.D.R. standing in the name of the petitioner in his favour.

3. Background of the matter is that compensation was earlier ordered in favour of Smt. Roshini and her children, including the present petitioner, on account of the death of her husband-Sh. Rajbir in a motor accident.

4. At that time, the petitioner, who was known and described by

the name 'Deputy' in the original Claim Application, was as yet a minor of tender age. Consequently, the Compensation Amount awardable to him and also his sibling-Sonia (proforma respondent No.6) was directed to be in the form of F.D.Rs., to be disbursed only after both of them attained the age of majority.

5. The Compensation Award in favour of proforma respondent No.6 has already been released. It was, however, declined for the petitioner by the Ld. Tribunal, since he had sought its disbursement by mentioning his name as 'Jasbir Singh', which is different from the name initially mentioned in the Claim Application.

6. The Ld. Tribunal was not even convinced by the Affidavits of the Chowkidar of the petitioner's Village, as also the one sworn by his own mother Smt. Roshini to the effect that he is the same person who was the minor claimant in the original Claim Application. Strangely in the impugned order, it was also noted by the Presiding Officer of the Ld. Tribunal, *"It appears that the name of the applicant was, infact, Deputy as would be evident from the copy of ration card. If subsequently his name was changed to Jasbir and Deputy is his alias, he has to get the necessary correction in the birth certificate, in which incorporation of alias is allowed. Without such a correction or declaration from Civil Court, the Tribunal will not be in a position to release the FDR lying in the name of Deputy in favour of Jasbir Singh. In these terms, the application is dismissed with liberty to the applicant to file afresh after getting the necessary correction in the certificate/order from civil court."*

7. In the opinion of this Court, however, the approach adopted by

the Ld. Tribunal appears to be hyper-technical in nature. Release of the Compensation Amount in favour of the petitioner has been declined, even though the Tribunal is otherwise satisfied about his identity and furthermore perusal of the concerned F.D.R. (Annexure P-7) itself goes to show that the deposit itself was in the name of 'Deputy @ Jasbir' son of Sh. Rajbir.

8. In the given circumstances and in the opinion of this Court, insistence of the Ld. Tribunal over such hyper-technical grounds to get the petitioner's Birth Certificate rectified was uncalled for.

9. Notice need not be issued to the respondents, since in any case they have no reason to deny the claim of the petitioner from their side.

10. The present revisional petition is, therefore, allowed with a direction upon the Ld. Tribunal to do the needful to ensure that the Compensation Amount is expeditiously disbursed in favour of the petitioner.

06.12.2018*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No