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

**FAO No.8175 of 2017 (O&M)**
**Date of Decision:03.08.2018**

Charanjeet Kaur and others ...Appellants

Versus

Union of India ...Respondent

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA**

Present: Mr. Satinder Kumar Rana, Advocate
for the appellants.

Mr. Karminder Singh, Advocate
for the respondent-UOI.

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**G.S. SANDHAWALIA, J. (ORAL)**

CM-26967-CII-2017

Application for exemption from filing the certified copy of judgment dated 07.09.2017, is allowed subject to all just exceptions.

CM stands disposed of.

CM-26968-CII-2017

Application for condonation of delay of 22 days in refilling the appeal has been filed.

Notice of motion.

Mr. Karminder Singh, Advocate on behalf of respondent-UOI accepts notice.

In view of the averments mentioned in the application, duly supported by affidavit, delay of 22 days in refilling is condoned.

CM stands disposed of.

**Main case**:

The appellants are only aggrieved against the order dated

07.09.2017 passed by the Railways Claims Tribunal, Chandigarh Bench, when the Tribunal has made the arrangments as such to pay the amount of compensation of Rs.8,00,000/- which has been awarded, to be paid in installments to the extent that 15% will be released after every six months in favour of the applicants who are widow, son and daughter of the deceased.

Counsel for the appellants has primarily argued that from the memo of parties, it is apparently clear that the appellants are reasonably aged person as the appellant No.1 wife of deceased is 66 years, appellant No.2, son is 49 years and appellant No.3 daughter is 41 years. The Apex Court in ***A.V. Padma and others Vs. R. Venugopal and others 2012 (2) RCR (Civil) 503*** noticed the aspect that Tribunals are often taking a very rigid stand and are mechanically ordering in almost all cases that the amount of compensation shall be invested in long term fixed deposit and because on earlier occasion in ***General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Mrs. Susamma Thomas and others, 1994 AIR (SC) 1631*** it had been held that the amount of compensation should be deposited in long term fixed deposit to protect the interest of the claimant. Resultantly, it was held that the delay in payment of compensation to pay the serious economically needy persons causes serious prejudice and economic ruin. Resultantly, total withdrawal was permitted in the said case.

As noticed in the present case, the death took place on 07.04.2014 and the counsel is well justified to submit that the payment in installments of 15% after every six months is not justified as such and the Tribunal has been careful to ensure that the payment is made through

RTGS system. Resultantly, the order dated 07.09.2017 is modified to the extent that the amount due along with interest as per the award of the Tribunal shall be paid to the claimants in lump sum through RTGS system itself.

The appeal is accordingly allowed to the above extent subject to the fact that the Union of India has not filed any cross-appeal etc. challenging the amount of compensation.

**(G.S. SANDHAWALIA)**
03.08.2018 **JUDGE**
pvd

Whether speaking/reasoned Yes/No
Whether reportable Yes/No