

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 136 of 2019

Date of Decision: 14.02.2019

Anju

.....Petitioner

Vs.

Canara Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. K.S. Dhanora, Advocate,
for the petitioner.

Mr. Neeraj Khanna, Advocate,
for respondent no. 4.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks release of the amount deposited in a fixed deposited pursuant to an Award having been passed in her favour by the Motor Accidents Claims Tribunal, Kurukshetra, on 03.10.2017, by which an amount of Rs. 5,80,080/- was ordered to be so deposited.

Vide the impugned order, the learned Tribunal, while allowing her to withdraw Rs. 2,00,000/-, directed that the remaining Rs. 3,80,080/- be continued to be kept in a fixed deposit.

Though the petitioner is shown to be well above the age of majority, she being 31 years of age even as per the memo of parties before the Tribunal at the time when the claim petition was filed and being the mother of two children, notice of motion had been issued in this petition to the respondent-insurance company as was liable to pay the compensation, to determine as to whether any

appeal had been filed by the insurance company in which the amount awarded to the petitioner had been reduced.

Today, Mr. Neeraj Khanna, learned counsel for the respondent-insurance company, submits that he has taken instructions to the effect that no such appeal had been filed and the Award of the Tribunal dated 03.10.2017 has been accepted to be final.

That being so, I see no reason as to why the petitioner should not be released money which belongs to her, as it is her choice as to whether she wishes to keep it in a fixed deposit or utilize it otherwise.

Consequently, this petition is allowed, with the impugned order set aside. The Tribunal is directed to immediately get the amount of compensation lying in a fixed deposit released to the petitioner.

February 14, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes