

Smt. Anisha Kumari

v.

Haryana Roadways, Ambala Dept and others

Present:- Mr. Vijay Lath, Advocate,
for the petitioner.

Pursuant to the order dated 16.01.2019, the petitioner, Smt. Anisha Kumari, is present in Court, identified by Mr. Lath.

Upon query, she submits that as regards compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh, vide its Award dated 19.11.2003 (Annexure P-1), i.e. an amount of Rs.1,80,000/-, along with interest accruing thereupon, it may be released to her as she is not interested in continuing with the fixed deposit.

It is seen that the learned Tribunal vide the impugned order dated 07.08.2018, has permitted her to withdraw only Rs.20,000/- from the fixed deposit, further directing that the principal amount of the fixed deposit would continue to be in such fixed deposit in her name and shall not be released (as was ordered vide the aforesaid Award), with the fixed deposit instead being renewed during her lifetime, though she would be allowed to withdraw the interest accruing thereupon.

The petitioner is 53 years old as stated by her (though she is shown to be 57 years of age as per memo of parties); hence, I see no reason as to why she should not be allowed to withdraw the entire compensation amount, she being fully aware of the query put to her by this Court, she also not being an illiterate lady, having passed the matriculation examination (as

stated by her).

Consequently, the impugned order is set aside to the aforesaid extent and the petitioner is permitted to withdraw the entire amount lying in her name in the fixed deposit pertaining to the compensation awarded to her, and utilize it in the manner she wishes to.

Mr. Lath submits that the petitioners' daughters' marriage is fixed for 18.02.2019 and consequently the amount be released to her well in time before the marriage.

Hence, it is directed that the amount be released to her within 15 days, alongwith the interest payable.

18.01.2019
vcgarg/dinesh

(Amol Rattan Singh)
Judge