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

**CR No. 4170 of 2018**
**Date of Decision: 27.05.2019**

**Kulvinder Kaur** **......Petitioner**

**Vs.**

**New India Assurance Co. Ltd. and others**
**.........Respondents**

**CR No. 2725 of 2019**

**Harminder Kaur**
**....Petitioner**

**vs.**

**New India Assurance Co. Ltd. and others**
**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Vipul Sharma, Advocate,
for the petitioner (s) (in both cases).

Mr. Gaurav Gupta, Advocate, for
Mr. G.D. Gupta, Advocate,
for respondent no. 1 (in CR No. 4170 of 2018).

Mr. Sukhdarshan Singh, Advocate,
for respondent no. 1 (in CR No. 2725 of 2019).

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**AMOL RATTAN SINGH, J. (ORAL)**

By these petitions, the two petitioners challenge the same order passed by the learned Motor Accidents Claims Tribunal, Ambala, dated 08.03.2018, by which their applications seeking release of the compensation lying deposited by way of a fixed deposit in a bank, have been dismissed (by two separate orders, though passed on the same date, i.e. 08.03.2018).

A perusal of the impugned orders show that the dismissal was on the ground that only two years had elapsed after the deposit was made (upon compensation having been granted to the petitioners, on a claim petition filed by them due to the unfortunate death of the husband of the petitioner in CR No. 4170 of 2018, i.e. the son of the petitioner in CR No. 2725 of 2019).

It has been stated in the aforesaid orders that the purpose of making an FDR is to secure the amount of the claimant, as also to ensure that "some amount is available in case the Award is reversed in appeal."

Notice having been issued on 05.07.2018 (in CR No. 4170 of 2018) and on 30.04.2019 (in CR No. 2725 of 2019) to respondent no. 1 (insurance company only), on 15.05.2019 a memorandum of appearance was filed on behalf of Mr. G.D. Gupta, Advocate (in CR No. 4170 of 2018), with him however having suffered a medical problem thereafter.

Today, Mr. Sukhdarshan Singh, Advocate, appears in CR No. 2725 of 2019 on behalf of respondent-insurance company and has filed a memorandum of appearance in Court today, which is taken on record.

He submits that no appeal has been filed by the insurance company against the judgment of this Court in FAO No. 6163 of 2012, by which enhanced compensation has been awarded to the petitioners in these petitions.

That being so, I see no reason as to why the petitioners should not be released the money that is rightfully theirs, they in any case obviously not being 'minors'.

Consequently, these petitions are allowed, with the impugned order set aside and the Motor Accidents Claims Tribunal, Ambala, directed to immediately issue process for release of the amount deposited in a fixed deposit, as was awarded to the petitioners in the aforesaid judgment of this Court.

**May 27, 2019** **(AMOL RATTAN SINGH)**
nitin **JUDGE**

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| Whether speaking/reasoned | Yes |
| Whether Reportable | No. |