

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

**C.R. No. 7609 of 2018 (O&M)
DATE OF DECISION :- April 03, 2019**

Padmini Dass and others

...Appellant

Versus

Kawar Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Nagar Singh, Advocate for
Mr. Nishant Raj Ghangas, Advocate for the petitioners.

C.M. No. 7292-CII of 2019

Heard.

The petitioners want to implead Punjab and Sind Bank, Branch Panipat Guru Nanak P (0787) as respondent No. 4 in the revision petition.

After hearing learned counsel for the petitioners and going through the application, I do not see any reason to accept the same, therefore, the application stands dismissed.

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A perusal of the impugned order goes to show that vide Award dated 4.7.2016, the Tribunal had directed that share of minors be deposited in the form of FDRs till the date they attain majority and admittedly the minors have not retained majority as yet. Their mother Padmini Dass had filed an application on behalf of minor claimants seeking withdrawal of the interest on the FDRs. The application was dismissed by Motor Accident Claims Tribunal, Panipat for the reason that application did not disclose the purpose for which the amount of interest was required by the applicant prematurely and that 40% of compensation amount had already been released to the applicant Padmini Dass, mother of the

minors. However, it seems that applicant was not given opportunity by the Tribunal to substantiate the assertions in the application and merely on the basis of contentions in the application the same was disposed of. Therefore, the impugned order is not sustainable and the same is set aside directing the Tribunal to allow the applicant to lead evidence in support of her contentions with regard to necessity of money for the purpose of education and well being of the minors so as to allow her to withdraw interest on the FDRs. The Tribunal shall thereafter consider the application in the light of the evidence adduced by the applicant and then dispose of the application in accordance with law. Therefore, the revision petition is accepted accordingly.

A copy of order be sent to Motor Accident Claims Tribunal, Panipat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

April 03, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No