

116

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

CR No. 3398 of 2019 (O&M)
Date of Decision: 22.05.2019

Taro Devi

-Petitioner

Vs

Union of India and others

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kulwant Singh Dhanora, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks quashing of order dated 24.04.2019 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh vide which the application filed by the petitioner for release of her amount lying deposited in FDR dated 28.08.2018 in a sum of Rs.2,00,711/- was dismissed.

Perusal of the record would show that the claim petition filed by the petitioner and others under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation on account of death of Suresh Kumar was allowed.

Petitioner- Taro Devi widow of deceased Suresh Kumar, Suhani, Kashish and Khushboo (all minors) were held entitled to receive a sum of Rs.8 lacs in equal shares from the

respondents- Railway Department with simple interest @ 6% per annum from the date of filing of claim petition i.e. 29.09.2014 till the date of order.

Each claimant was entitled to get an amount of Rs.2 lacs as share from the aforesaid compensation. An arrangement was made and it was ordered that 15% of the award compensation qua share of the petitioner will be released in her favour immediately and the residual awarded amount qua the share of the petitioner i.e. 15% will be released after every six months in her favour.

Petitioner does not wish to withdraw any amount from the FDRs of minors.

Learned counsel for the petitioner relies upon order dated **13.05.2019** passed in **Civil Revision No.3111 of 2019** titled 'Kalita Devi vs Parveen and others' and order dated **15.05.2019** passed in **Civil Revision No.3193 of 2019** titled 'Satish vs Union Bank of India and others' and contended that no restriction can be placed on the rights of an adult to claim compensation and release of the amount deposited in his/her name. There cannot be any conceivable reason to deny release of the amount to any adult member who has to manage the affairs of the family particularly when no such release is being prayed qua the shares of minors which they have already

deposited in fixed deposit fetching permissible interest thereon.

The composition of the respondents would show that Union Bank of India and Bank of India are the contesting respondents. Respondents No.3 to 5 are only proforma respondents who are claimants along with the petitioner.

In view of above and in the nature of order which is being passed, there is no necessity of issuing any notice to the respondents as the same would further delay disposal of the case.

In **H.S. Ahammed Hussain vs Irphan Ahammed, 2002(3) RCR (Civil) 563**, it was held that fixed deposit of the amount in case of adult member is not proper.

Since the deposit was made as per orders of the Tribunal, therefore, the Bank would have no obvious objection against withdrawal of the same.

The aforesaid view was followed by this Court in **Indra Devi vs Dharam Singh and others, 2006(4) RCR (Civil) 762** and **Civil Revision No.6289 of 2016** titled 'Surti Devi vs Oriental Bank of Commerce' decided by this Court on 22.09.2016.

For the reasons recorded hereinabove, I find that there cannot be any conceivable reason to deny the prayer of the petitioner.

Resultantly, this revision petition is allowed. Impugned order 24.04.2019 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh is hereby set aside. Share of the petitioner along with interest till date is allowed to be withdrawn in accordance with rule and procedure of the Bank.

22.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No