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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.3823 of 2019
Date of Decision : 01.07.2019

Moli Maduli and others

.....Petitioners

Versus

Union of India

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Somesh Gupta, Advocate
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

Petitioners seek modification of Order dated 29.08.2018 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh in O.A. No. OA-IIu/CDG/2016/39 to the extent the way compensation is to be disbursed to the Petitioners and for directing the Respondent to immediately release the entire compensation granted to the petitioners.

2. Perusal of the record would show that the Claim Petition filed by the Petitioners under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation on account of death of Umesh Maduli was allowed.

3. Petitioners – Moli Maduli, Wife of deceased Umesh Maduli, Kshetra Mohanmohan Maduli, father of deceased, Menaka Maduli, mother of the deceased and Indrajit Maduli, minor son of

deceased were held entitled to receive a sum of Rs.8 lacs along with simple interest @ 9% per annum, from the date of award till the payment is made to them. Petitioners have been awarded a share of Rs.2.00 lacs each out of the awarded compensation amounting to Rs.8.00 lacs.

4. The Ld. Tribunal also observed that out of the compensation amount payable to the Applicants/Petitioners, initially, a sum of Rs.1.00 lakh each, along with proportionate interest accrued thereon, shall be paid to the Applicant/Petitioners No.1 to 3, namely, Moli Maduli, Kshetramohan Maduli and Menaka Maduli, through ECS and the left over compensation amount *qua* these Applicant/Petitioners, along with proportionate interest, shall be invested in the form of FDRs in their favour separately from a Nationalised Bank for a period of three years. On maturity, they can withdraw their amount without permission of the Court.

5. It has been further observed that since, the Applicant/Petitioner No.4, namely, Indrajit Maduli, is the minor son of the deceased-Umesh Maduli, therefore, his share of Rs.2.00 lacs, along with proportionate interest, shall be invested in a nationalized Bank in term deposit in his favour separately till he attains the age of maturity. The FDR shall not be subjected to any encumbrance. On attaining majority, he can withdraw this amount without permission of the Court.

6. Learned counsel for the Petitioners 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.

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

8. 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 Petitioners.

9. Resultantly, this Revision Petition is allowed. Impugned order dated 29.08.2018 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh is hereby set aside. Share of the Petitioners No.1 to 3 (excepting Petitioner No.4, who is a minor) along with interest till date is allowed to be withdrawn in accordance with rule and procedure of the Bank.

July 01, 2019 **(SUDIP AHLUWALIA)**
Dpr **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No