111-10

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.3797 of 2019
Date of Decision: 31.05.2019

Nisha Devi and others **.....Petitioners**

Vs

Union of India

....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

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

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RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners seek modification of order dated 02.07.2018 passed by the Railway Claims Tribunal, Chandigarh (hereinafter to be referred as 'the Tribunal') to the extent of allowing petitioners to receive the entire amount without there being any rider.

[2]. Petitioners have filed an application for release of the amount lying deposited in the shape of FDR.

[3]. Perusal of the record would show that the petitioners themselves were the claimants before the Tribunal on account of death of Gorelal Mochi. An amount of Rs.8 lakhs was awarded as compensation. Out of total award, petitioners were

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permitted to withdraw Rs.1,00,000/- each of the amount along with interest and rest of the amount was to be invested in Bank deposit in the manner as suggested in the concluding part of the award.

[4]. Learned counsel for the petitioners submitted that petitioners being adult require the amount for their day to day needs. Learned counsel by relying upon ***H.S. Ahammed Husain vs. Irphan Ahammed, 2002(3) R.C.R. (Civil) 563***; ***Indra Devi vs. Dharam Singh and others, 2006(4) R.C.R. (Civil) 762***; ***CR No.6289 of 2016 titled 'Surti Devi vs. Oriental Bank of Commerce' decided on 22.09.2016***, ***CR No.3111 of 2019 titled 'Kalita Devi vs. Parveen and others', decided on 13.05.2019***; ***CR No.3193 of 2019 titled 'Satish vs. Union Bank of India', decided on 15.05.2019*** and ***CR No.3398 of 2019 titled Taro Devi vs. Union of India and others' decided on 22.05.2019*** submitted that there cannot be conceivable reasons to deny release of the amount to the adult member. The petitioners are the claimants themselves, therefore, there cannot be any impediment in release of the amount in their favour.

[5]. In view of nature of controversy involved in the present petition, there is no necessity to issue notice of motion to the respondent as it would further delay disposal of the case.

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[6]. Respondent has no obvious reasons to oppose the prayer of the petitioners as the Bank is the only custodian of the amount belonging to the petitioners.

[7]. For the reasons recorded hereinabove, I accept this revision petition. The impugned dated 02.07.2018 passed by the Railway Claims Tribunal, Chandigarh is thus modified to the extent that petitioners are held entitled to get the entire amount released in her favour by approaching the concerned Tribunal.

May 31, 2019 **(RAJ MOHAN SINGH)**
Atik **JUDGE**
Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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