

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CR No. 6145 of 2019

Date of Decision: September 26, 2019

Shashi Devi 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 13.08.2018 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh in O.A. No. OA-II/13/2016 to the extent and the way compensation is to be dispersed to the petitioners and also for directing the respondent to immediately release the entire compensation granted to the petitioners.

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 Vijay Kumar, was allowed.

Petitioner/Applicant No.1 – Shashi Devi, wife of deceased Vijay Kumar, Petitioner/applicant Nos. 2 & 3 – Atul Sharma and Anuj Sharma, sons of deceased were held entitled to receive a sum of Rs.8 lacs each. As per order dated 13.08.2018, the payment of compensation to be made in favour of petitioners as also Rani Devi-minor daughter of the deceased in equal shares i.e. Rs. 2,00,000/- each was ordered with the observation that out of the compensation amount

payable to petitioner No.1, a sum of Rs. 1,00,000/- along with interest accrued thereon shall be released to her immediately through ECS and the balance amount of Rs. 1,00,000/- along with interest shall be invested in the FDR in her favour, for a period of three years, with liberty to withdraw quarterly interest on such FDR. On maturity, she could withdraw the amount without permission of the Court. It was further directed that the share of petitioners No. 2 and 3 as also Rani Devi, daughter of the deceased, being minors, in the compensation amount shall be invested in the fixed deposits in their favour in some Nationalized Bank, under the guardianship of their mother, Smt. Shashi Devi, till they attain majority. However, their mother, Smt. Shashi Devi, cannot be entitled to withdraw quarterly interest on such FDRs for the maintenance and other day to day expenses of the minor children. On maturity, they withdraw the amount without permission of the Court.

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 particularly when no such release is being prayed for.

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.

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.

Resultantly, this revision petition is allowed. Impugned order 13.08.2018 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh is hereby set aside. Share of the petitioners along with interest till date is allowed to be withdrawn in accordance with rule and procedure of the Bank.

September 26, 2019
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[**SUDIP AHLUWALIA**]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No