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

****

**CR No.6204 of 2019 (O&M)
Date of Decision: 01.10.2019**

Rachana Rani @ Anita Verma 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)

1 Petitioners seek modification of order dated 17.05.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh (For short “The Tribunal”) in O.A. No. OA-II/283/2013 to the extent of directing respondent to immediately release the entire compensation granted to the petitioners No. 1 and 2 whereas compensation of petitioner No. 3 shall remain in FD till she attains majority. The petitioners also seek setting aside of order dated 19.03.2018 passed by the Tribunal vide which the Misc. application filed by the petitioners for release of the amount was rejected.

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 Sunil Kumar (deceased) was allowed.

3 Petitioner/Applicant No.1 – Rachana Rani @ Anita Verma, wife of deceased-Sunil Kumr, Petitioner/applicant No. 2 – Janki Devi,

mother of deceased-Sunil Kumar and Petitioner/applicant No. 3-Palak daughter of deceased were held entitled to receive a sum of Rs. 8 lacs. As per order dated 17.05.2017, applicant No.1, who is wife of the deceased shall get a sum of Rs. 4,00,000/- and applicants No. 2 and 3, who are mother and daughter of the deceased, shall get a sum of Rs. 2,00,000/- each with the direction that initially the applicants no. 1 and 2 shall be permitted to withdraw only 15% in cash, out of the compensation amount awarded in favour of the applicants no. 1 and 2, and rest of the amount together with the interest accrued thereon, shall be kept in fixed deposits in the bank for a period of three years. It was also ordered that after one year,1/3rd of the amount will be released to the applicants, another 1/3rd after completion of two years and remaining amount will be released after completion of third year. In case of applicant no. 3, Palak, minor daughter of the deceased, it was ordered that her share be kept in fixed deposits in her favour with the bank payable to her after attaining the age of majority.

4 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 such release is being prayed for.

5 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.

6 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.

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

8 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.

9 For the reasons recorded hereinabove, I find that there cannot be any conceivable reason to deny the prayer of the petitioners No. 1 and 2.

10 Resultantly, this revision petition is allowed. Impugned order 17.05.2017 passed by Railway Claims Tribunal, Chandigarh Bench, Chandigarh is hereby modified. Share of the petitioners No. 1 and 2 along with interest till date is allowed to be withdrawn in accordance with rule and procedure of the Bank. However the compensation of the petitioner No. 3 shall be kept in FD till she attains the age of majority and on her getting the age of majority, the amount of compensation shall be released to her in accordance with the rule and procedure of the Bank.

(SUDIP AHLUWALIA)
JUDGE

01.10.2019
rajeev(rvs)

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No