

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

**CR No.6954 of 2019(O&M)
Date of Decision: 11.12.2019**

Aimna

.....Petitioner

Versus

**Motor Accident Claims Tribunal, Mewat and another
.....Respondents**

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

Present:Mr. Ashish Gupta, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. The grievance of the petitioner is that vide award dated 04.01.2019 passed by the Motor Accident Claims Tribunal, Mewat, 25% of the amount of share of the petitioner Aimna was ordered to be paid in cash and the remaining amount was directed to be deposited in a fixed deposit in her name in nationalized bank carrying maximum interest. The deposit was ordered to be made for three years and thereafter, it was to be released in her favour under the orders of the Tribunal.

[2]. In compliance of the said award dated 04.01.2019 passed by the Tribunal, 75% of the share of the petitioner was deposited in fixed deposit for a period of three years. Petitioner seeks withdrawal of the amount under her share deposited under the orders of the Tribunal on the ground that she is in dire need of the amount as the marriage of her son Rasheed was to be solemnized. The date of the marriage was fixed as 19.07.2019 and for that, she had to borrow the amount from others.

[3]. Learned counsel for the petitioner contends that the fixed deposit of the amount in case of an adult is not proper in view of observations made by the Hon'ble Apex Court in H.S. **Ahammed Hussain Vs. Irfan Ahammed, (SC) 2003(3) RCR (Civil) 563.**

[4]. Since the deposit was made as per orders of the Tribunal, therefore, the bank would have no obvious objection in withdrawal of the amount, which is only meant for the share of the petitioner without touching the amount already lying deposited qua the share of minor Saheed/claimant No.3.

[5]. In view of aforesaid, it would be just and expedient to direct respondent No.2/Allahabad Bank to make available the amount deposited in fixed deposit to the petitioner along with consequent interest applicable thereto within a period of one

month from the date of receipt of certified copy of this order.

[6]. Disposed of.

11.12.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No