

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 493 of 2020

Date of Decision: 27.1.2020

Sahjadi Khatoon and others

...Petitioner

Vs.

Union of India

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (Oral)

1. Learned counsel for the petitioners has produced in Court the order passed in CR No. 243 of 2020, Rani and others Vs. Union of India, pronounced on 15.1.2020 (wrongly mentioned as CR No.5 of 2020 in the Index). In the present revision also, that very limited ground has been raised for modification of the order of the Railway Claims Tribunal, Chandigarh passed in OA-II (u)/2018/0087 dated 29.11.2019, by which it has been directed that the compensation shall be kept in the fixed deposit/s (FD/s).

2. The first petitioner is the widow of the deceased, petitioner-2 is the mother-in-law (mother of the deceased) and respondents 3 to 5 are the children/grandchildren. A total amount of Rs. 8 lakhs has been awarded by the Tribunal to the claimants and the first petitioner has been held entitled to Rs. 4 lakhs from the total sum awarded, that is, one

half.

3. She has approached this Court against locking her money in a bank for a fixed period, claiming that since she is in need of money to look after her family, she requires it to be credited in her bank account. The arrangement made by the Tribunal currently is of no use to her. She is the rightful owner of her part of the compensation. There is substance in the prayer of the petitioner and she has every right to the compensation in respect of her share of the compensation.

4. To retrieve the part compensation, the earned counsel for the petitioner places reliance on *Rani's case* (supra). At any rate, it is well-settled in law that where the right to money is based on final decree and the original owner has the choice of appropriation of compensation in the manner he regards best in the interest of that person, the money deposited by the judgment debtor has to be handed over to the award-holder without placing any riders thereon. It is trite law that once compensation amount is awarded by the court, it should go to the claimant. No one can question a major person of sound mind entitled to an adjudicated amount of compensation in an award which has become final, suspecting how the money would be put to use by the rightful owner. This is not the business of the Tribunal. This court hopes that such litigation should not come to it again.

5. Accordingly, the claim is covered by the judgment and no 3rd party rights are involved and will be affected nor the rights of

petitioners 2 to 5 since the petition is pressed only as far as the first petitioner is concerned by keeping the rights of respondents 1 to 5 as directed by the learned Tribunal.

6. This petition is allowed.

7. As a result, a direction is issued to the learned Tribunal to disburse the share of the first petitioner (Sahjadi Khatoon) alone to her bank account to be supplied by her by transfer through RTGS, within a week of presentation of a certified copy of this order after verification of credentials and acknowledgment duly signed by her and retained on case file.

(RAJIV NARAIN RAINA)
JUDGE

27.1.2020

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Whether speaking/reasoned : *Yes*
Whether reportable : *Yes/No*