IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2035-2020.
Date of Decision:-03.12.2020.

Aaisa

..... Petitioner

Versus

Learned Motor Accident Claims Tribunal, Mewat,
District Mewat, and another.

...... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

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

Mr. Ajay Pratap Singh Sehgal, Advocate for respondent No.2

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SANJAY KUMAR, J. (Oral)

The petitioner herein is the mother of one Habib. He died in an accident on 26.06.2018, leading to the filing of a claim petition before the Motor Accident Claims Tribunal, Mewat (for short, 'the Tribunal'), under the provisions of the Motor Vehicles Act, 1988. By Award dated 03.10.2019 (Annexure P-2), the Tribunal granted a sum of ₹ 13,15,200/- to the petitioner alone, holding that the other family members could not be said to be dependent upon the income of the deceased. The Tribunal directed that 25% of the amount of compensation should be paid to the petitioner in cash and the rest of the amount should be placed in a Fixed Deposit in her name in a Nationalized Bank for a period of three years.

While so, the petitioner filed an application before the Tribunal seeking release of the amount lying in the Fixed Deposit with the HDFC Bank at Punhana Branch, being a sum of ₹ 10,75,920/-. However, by order dated 10.06.2020 (Annexure P-1), the Tribunal disallowed her plea on the ground that it did not seem to be genuine. Aggrieved thereby, the petitioner filed this revision under Article 227 of the Constitution.

Mr. Ashish Gupta, learned counsel for the petitioner, would point out that necessary documents have already been placed on record in proof of the petitioner undertaking construction of a house. He would further state the petitioner has 7 minor children and is therefore in urgent need of monies for their education and betterment.

Mr. Ajay Pratap Singh Sehgal, learned counsel appearing for the second respondent-HDFC Bank, Branch Punhana, would inform this Court that the Bank would abide by the directions of this Court but in the event the amount lying in Fixed Deposit has to be released prematurely, the due procedure would have to be followed, which would include levy of a minor penalty.

In the light of the law laid down by the Supreme Court in ***H.S. Ahammed Hussain Vs. Irfan Ahammed {(2002) 6 SCC 52}***, it is not correct and proper to direct deposit of the compensation amount in a Fixed Deposit in the case of adult claimants. The discretion of the Tribunal to direct such deposits has to be exercised judiciously, keeping in mind the individual facts of each case. Insofar as the petitioner in the present case is concerned, she is 34 years of age and has a large family to provide for, including 7 minor children. The ages of her minor children range from 2 to 17 years. That apart, sufficient material has been placed on record in proof of the petitioner undertaking construction of a house. In the light of these circumstances, the Tribunal ought not to have disallowed the plea of the petitioner to release the amount which was directed to be kept in a Fixed Deposit under the Award dated 03.10.2019 (Annexure P-2).

Mr. Ashish Gupta, learned counsel for the petitioner, would state that the petitioner is willing to suffer the penalty that would be imposed by the second respondent-HDFC Bank, Branch Punhana, for premature release of the Fixed Deposit.

The civil revision is accordingly allowed setting aside the order dated 10.06.2020 (Annexure P-1) passed by the Tribunal. In consequence, the second respondent-HDFC Bank, Punhana Branch, shall release the amount lying in the petitioner's Fixed Deposit in accordance with the due procedure, after deducting the requisite minor penalty amount that has to be imposed for such premature release.

No order as to costs.

(SANJAY KUMAR)
JUDGE

December 03, 2020.
sandeep

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.