

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-2588-2020

Date of Decision: December 04, 2020.

DARSHAN DEVI AND OTHERS

..... Petitioner(s)

Vs.

DEEPAK CHHOKAR AND OTHERS

.....Respondent(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Arun Kumar Singal, Advocate
for the petitioners.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this revision petition is for modification of order dated 23.11.2020 (Annexure P-4) vide which learned Motor Accidents Claims Tribunal, Sonapat has ordered for a sum of Rs.4,00,000/- to be disbursed in favour of petitioner no.1 Darshan Devi, out of the FDR bearing account No.044300PU00020763, for a sum of Rs.19,52,771/- and rest of the amount would remain intact till its maturity.

It is to be noted that learned MACT, Sonapat vide award dated 18.11.2019 awarded compensation to the present petitioners as well as to proforma respondents no.4 and 6. Learned MACT, Sonapat had directed that

a sum of Rs.50,000/- each be paid to the said claimants in cash and rest of the amount be kept in an FDR for a period of one year. Share of petitioner no.1, it is submitted, was deposited on 16.09.2020, by way of above mentioned FDR. Marriage of the daughter of petitioner no.1 is slated to be solemnized on 10.12.2020. For this purpose, petitioner no.1 moved an application for release of the amount of her share only, lying in the FDR. Learned MACT, Sonapat directed release of Rs.4,00,000/- out of the aforementioned FDR on account of marriage of daughter of petitioner no.1.

Present petition has been filed seeking release of further amount in order to meet the expenses of the marriage of Komal, daughter of petitioner no.1. Learned counsel submits that petitioner no.1 is bearing the expense of her daughter's marriage on her own. It is submitted that sum of Rs.8,00,000/- along with proportionate interest directed to be released to Ms. Komal, daughter of petitioner no.1 by the learned MACT, Sonapat, vide award dated 18.11.2019, would be retained by Ms. Komal and is not being used for defraying marriage expenses. There is no indication of any order of an appellate court staying disbursement of the amount in question.

I have heard learned counsel for the petitioners and have gone through the file.

Keeping in view the nature of the relief claimed and the order being passed, issuance of the notice to the respondents is not required.

Keeping in view the facts and circumstances of the case, I do not find it expedient to release the entire amount deposited by way of the FDR which shall mature in September 2021. However, in order to meet

expenses of marriage of daughter of petitioner no.1, a further sum of Rs.2,00,000/- apart from the amount of Rs.4,00,000/- already released by the learned Tribunal is considered sufficient in the factual matrix. Accordingly, it is directed that a further sum of Rs.2,00,000/- in addition to the sum of Rs.4,00,000/- already ordered to be released, be disbursed to petitioner no.1 Smt. Darshan Devi, out of FDR bearing account No. 044300PU00020763, lying deposited in Punjab National Bank, Samalkha, on presentation of sufficient proof of identity and after proper verification. Rest of the amount shall remain intact in the FDR till its maturity. A copy of this order be conveyed to the Manager of concerned bank for compliance. Needless to say this order is conditional and subject to any interim order/direction which may have been passed by a court of competent jurisdiction, qua award dated 18.11.2019. If required the bank authorities may seek an undertaking of the petitioner to this effect.

With the modification as above in order dated 23.11.2020 (Annexure P-4), passed by learned Motor Accidents Claims Tribunal, Sonapat, petition is disposed of.

04.12.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No