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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1768/2019

SHAKEEL ALAM

..... Petitioner

Through: Mr. Mehirsh Hameed, Mr. Anis Ahmad, Advocates

versus

AMIT & ORS

..... Respondents

Through: Mr. Anjum Javed, ASC for GNCTD with Mr. Devendra Kumar, Advocate Mr. I.S. Chauhan, Mr. C.M.L. Das, Advocates for respondent No.2. SI Avdhesh Dixit, P.S. Neb Sarai

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **05.03.2020**

1. The petitioner has challenged the order dated 17th October, 2019 whereby the Claims Tribunal rejected his application for pre-mature discharge of the FDR for Rs.20 lakhs for purchase of an immovable property.
2. The petitioner has entered into an agreement to sell to purchase an immovable property bearing No.C-II/11-A, UG Floor, Raju Park, Devli Road, Khanpur, New Delhi from Md. Javed Alam, son of Akeel Ahmed for Rs.23,25,000/- vide agreement dated 25th September, 2019 out of which he has paid Rs.1 lakh and the balance is payable by the end of March, 2020.
3. Vide orders dated 13th December, 2019 and 05th February, 2020, SHO P.S. Neb Sarai was directed to verify the genuineness of the agreement and submit a report. The SHO, P.S. Neb Sarai has submitted the status report according to which the agreement between the petitioner and the seller of

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the subject property is genuine.

4. The petitioner is present in Court and he submits that he and his wife met with an accident on 27th September, 2017 in which his wife died and he suffered grievous injuries. He further submits that there is no child out of the wedlock with his wife. He further submits that he is staying in an accommodation which is insufficient and his family comprises of himself, his parents, his brother and brother's family.

5. The Claims Tribunal has held that the compensation amount is meant for sustenance of the petitioner and cannot be released to buy an immovable property. The principle applied by the Claims Tribunal is correct. In case of death of sole breadwinner, the compensation awarded cannot be released for purchase of a property where the widow and children do not have any means of sustenance. However, in the present case, there are no children from the marriage and the petitioner is the sole beneficiary of the compensation.

6. In the peculiar facts, the petition is allowed and the Claims Tribunal is directed to discharge the FDR and transfer the amount to his savings bank A/c No.18580110087190 with UCO Bank, Patiala House Court Branch, IFSC Code: UCBA0001858. Upon discharge of the FDR, UCO Bank shall prepare a demand draft in the name of the seller, Md. Javed Alam son of Akeel Ahmad towards the balance sale consideration. UCO Bank shall not release the amount in any other mode.

7. The title documents as well as the photographs of the subject property to show the possession after payment of the balance sale consideration by the petitioner to the seller be produced before this Court on the next date of hearing.

8. List for reporting compliance as a part heard matter on 23rd April, 2020.

9. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

MARCH 05, 2020

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