

(In virtual Court)

CR No.1302 of 2021 (O&M)

Date of Decision: 14.07.2021

Jagwanti and others

.....Petitioners

Versus

Roshan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ketan Antil, Advocate, for the petitioners.

RAJBIR SEHRAWAT, J. (ORAL)

This is a revision petition filed under Article 227 of the Constitution of India for setting aside order dated 31.05.2021 passed by the Additional District Judge, Sonapat, whereby the full amount of the enhanced compensation awarded to the petitioners in motor accident claim has not been released to them, rather, only 50% of the enhanced amount has been permitted to be disbursed to the petitioners and remaining 50% amount has been ordered to be kept in fixed deposits.

It is submitted by learned counsel for the petitioners that the family is in need of the money. The money is required for creating a mean of survival by opening a garment shop; so as to create a permanent source of income. Therefore, release of only 50% of the enhanced amount would not be sufficient. Otherwise also, all the claimants/petitioners are major now and the direction to keep the amount in fixed deposits, which was passed at that time when some of the claimants were minor, is no more relevant. Being major and already deeply involved in the social life, the petitioners understand the value of money and they can ensure that it is not squandered.

Considering the submissions made by learned counsel for the petitioners, this Court finds substance in the same. All the claimants are major by age; having lived a considerable number of years of social life. Even the conditions which were relevant at the time of death of the deceased husband/father of the petitioners are no more relevant. If money is released to them in one go, then the same can be utilized by them for creating a permanent source of income, as is being submitted by learned counsel for the petitioners. While lying in F.D., the money may not generate the same additional value as it can create through a business enterprise or other means of income, which can be created through this money. Hence, this Court does not find any reason to continue the amount of enhanced compensation in the fixed deposits anymore. Accordingly, the present petition is allowed and order passed by the Court below; to the extent it has retained the 50% of the amount in the fixed deposits; is set aside.

Hence, it is ordered that the entire amount be released to the petitioners, in accordance with law.

(RAJBIR SEHRAWAT)
JUDGE

14.07.2021
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No