

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR-2186 of 2020 (O&M)
Date of Decision: 08.01.2021.**

Sahabi

...Petitioner

V/S

Umar Mohammad &Ors.

...Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

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

None for respondents.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. The prayer in the instant petition is to quash order dated 04.08.2020 vide which the prayer of the petitioner for release of 75% amount lying in FDR for three years, received by her as compensation by virtue of award dated 20.08.2019, on account of death of her son in a motor vehicular accident, has been declined by learned Motor Accident Claims Tribunal.

2. None opposes the petition. Respondents no. 1 and 2 are non contesting. Despite service and ample opportunity none appears today for contesting respondent no.3. Same was position on the last date of hearing as none appeared for respondent no.3 despite service.

3. The operative part of the impugned order reads thus:-

“At the very outset it is observed that out of awarded amount, 25% amount of share of applicant has been released to her in cash and remaining 75% amount of the share of applicant has been deposited in fixed deposit on 19.12.2019. Learned counsel for the applicant has contended that applicant is in need of

money for the marriage of her son as she has no source of income. This plea of learned counsel for the applicant is not acceptable as marriage of the son of applicant has already been solemnized on 23.07.2020.

This Tribunal is of the view that the needs of the applicant-award-holder does not seem to be genuine. So, in these circumstances, present application is dismissed. Application along with other documents be consigned to record room after due compliance.”

4. Learned counsel for the petitioner submits that an erroneous approach has been adopted by the Tribunal while passing the impugned order. He relies on law laid down by the Apex Court in **H.S.AhammedHussain Vs. IfranAhammed**¹, wherein it has been laid down that no restriction can be placed on the rights of an adult to claim the compensation amount deposited in his or her name. Per him, H.S. Ahammed case(supra) has been followed by this Court in **Indra Devi Vs. Dharam Singh &Ors.**².

5. In view of the dictum in H.S. Ahammed’s case rendered by Apex Court, this Court is of the opinion that a pedantic approach has been adopted by the Tribunal, resulting into rejection of her prayer.

6. In the premise, instant revision petition is allowed. Impugned order dated 04.08.2020 is set aside. Learned MACT Tribunal is directed to release the amount of compensation lying in FDR in favour of the petitioner against proper receipt and identification, as per Apex court guidelines *ibid*.

January 08, 2021
Jiten

(ARUN MONGA)
JUDGE

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

¹2002(3) RCR(Civil) 563

²2006(4) RCR(Civil) 762