

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

CR-2119-2021(O&M)

Date of decision:-10.11.2021

Shivani Panchal

...Petitioner

Versus

Ajay Kumar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

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

H.S. MADAAN, J.(ORAL)

1. On account of death of their parents i.e. Sh.Baljeet Kumar – father and Kavita @ Kavita Devi – mother, in a road side accident, which took place on 19.11.2017, their children, who were minor at that time i.e. Baby Shivani Panchal, aged about 14 years – daughter and Master Naveen Panchal, aged about 12 years – son had brought two claim petitions under Section 166 of the Motor Vehicles Act, 1988 against owner, driver and insurance company of the offending vehicle. That claim petitions were finally disposed of by Motor Accident Claims Tribunal, Ambnala vide common award dated 10.5.2019 inasmuch as compensation of

Rs.13,10,448/- was awarded to the claimants with regard to death of their father - Baljeet Kumar and on account of death of their mother – Kavita @ Kavita Devi, compensation of Rs.16,42,800/- was awarded with interest and cost. The Motor Accident Claims Tribunal, Ambala in its wisdom keeping in view the fact that claimants Shivani Panchal and Naveen Panchal were minors directed that their shares in the compensation be deposited in separate FDRs with any nationalized bank in their names at least for a period of five years or till they attained the age of majority, whichever was later. However, it was directed that their grandfather/guardian ad litem Satpal shall be entitled to received the monthly or quarterly interest on the amount so deposited in the name of minor claimants for their studies/bringing-up purposes. The award is said to have attained finality.

2. Ms.Shivani Panchal has filed an application for releasing the amount deposited in the form of FDRs to her for the reason that she has since attained majority and she requires the amount for her studies. Applicant Shivani Panchal and her maternal grandfather Satpal had got their statements recorded in support of the assertions in the application. Learned Motor Accident Claims Tribunal, Ambala vide order dated 13.8.2021 has dismissed the said application.

3. Feeling aggrieved by the said order, petitioner Shivani Panchal has approached this Court by way of filing the instant civil revision petition.

4. I have heard learned counsel for the revisionist besides going through the record and I find that the impugned order passed by MACT,

Ambala is not sustainable.

5. The shares of the minor claimants were ordered to be deposited in the form of FDRs with a nationalized bank to safeguard their interest so that the amount might not have been misappropriated or grabbed by any mischievous person. In terms of the award, it was so done for a period of five years or till the minors attained majority. The applicant – Shivani Panchal has since attained majority as is clear from the copy of her birth certificate placed on record as Annexure P2 showing her date of birth to be 01.03.2003, which means that she is aged 18 years, as such a major. It being so, she is entitled to receive her share in the compensation. MACT, Ambala has also mentioned in the impugned order that Shivani Panchal has attained the age of majority. The reasons for rejecting her request are very unconvincing i.e. she has not shown as to which course/study she wants to pursue while living abroad and what would be the cost/fee/expenses thereof and even name of the college/university and the country has not been disclosed and there is nothing on record to show that applicant is having any passport/visa etc. It is none of the concern of the Tribunal to go into such type of probe. Once it is found that applicant has attained majority, she is entitled to receive her share in the compensation and she may utilize it for any purpose, she feels like. The reasoning given by the Tribunal for rejecting her application is least convincing. Therefore, the impugned order cannot stand legal scrutiny. The same is set aside by way of acceptance of the revision petition and the application is accepted and the Tribunal is directed to release share in compensation of the revisionist/applicant

Shivani Panchal lying deposited in the form of FDRs with the bank to her at the earliest.

10.11.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No