

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

214/1

FAO-2978-2020

Decided on : 24.02.2021

Gulsher @ Sonu

... Appellant

Versus

Union of India

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Narender Kaajla, Advocate, for the appellant.

Mr.Karminder Singh, Advocate, for the respondent.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present appeal is to the order dated 20.11.2019 passed by the Railway Claims Tribunal, Chandigarh Bench, whereby a sum of Rs.7,20,000/- out of Rs.8,00,000/- which was awarded to the appellant has been locked up which was spilt into 72 monthly deposits of Rs.10,000/- and had been invested for a period from 1 to 72 months in the ascending order. Relevant portion of the order reads as under:

“(ii) I believe that the expenses of the applicant-injured, could be assessed at Rs.10000/- per month and the residue amount of Rs.7,20,000/- alongwith interest after payment of 10 percent with interest as mentioned above in the compensation amount, shall be split into 72 monthly deposits @ Rs.10,000/- and be invested for a period from 1 to 72 months in the ascending order. The Bank is further directed to release an amount of Rs.10,000/- per month to the applicant-injured, as enshrined above.”

Counsel for the appellant has vehemently submitted that due to the untoward incident, the appellant, being a bona fide passenger on the Railways, suffered a crush of both legs under the wheels of the train, leading to amputation below both thighs. It is submitted that in such circumstances, the locking up of the amount is not justified.

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The said prayer has been opposed by counsel for respondent No.1 on the ground that in case of illiteracy and the rules having been amended on 03.06.2020 and other disabling factors impairing the judicious use of such sums awarded to the claimants, directions for disbursement of the award in terms of annuities, fixed deposit and other suitable mode subserve the ends of justice.

Accordingly, keeping in view of the above facts and circumstances, this Court is of the opinion that the accident had taken place on 21.11.2015 and for 4 long years, the appellant was fighting for the fruits of the litigation which have now been locked up vide the impugned order. The release of which has been sought on account of the fact that the petitioner who wants to start his own business of stitching the school bags as he has a long experience of the same and the financial help is required.

Keeping in view the above, this Court is of the opinion that 50% of the amount is liable to be released, totalling to Rs.4,00,000/-, after adjusting the amount the appellant has already received, in view of the directions of the Tribunal. The balance amount shall continue to remain with the Bank in terms of the order passed by the Tribunal.

With the above directions, the present appeal stands disposed of.

FEBRUARY 24, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No