

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

-:-

**CM-1910-CII-2022 in
CR-414-2021 (O&M)
Date of Decision : 29.03.2022**

Anu and Another

...Petitioners

versus

Joginder and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Saneta, Advocate for the applicant-petitioners.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-1910-CII-2022

This is an application for preponing the date of hearing of the main case which is pending for 29.09.2022 to an early date.

Learned counsel for the non-applicant/respondent No.3 states that he has no objection if the application is allowed.

With the consent of learned counsel for the parties, main case i.e. CR-414-2021 is taken on Board today itself.

CM stands disposed off.

CR-414-2021

The limited prayer made in the present revision petition challenging the order dated 18.01.2021 passed by the Motor Accident Claims Tribunal, Karnal (for short, the 'Tribunal') is to the extent that 50% of the amount which has been awarded to the claimant-petitioners (mother and father of the deceased) has been directed to be deposited in the shape of

a Fixed Deposit for a period of 05 years and the Tribunal has declined to release the same.

Learned counsel for the claimant-petitioners states that both the petitioners are adults and there is no occasion to place the said amount in a Fixed Deposit for a period of 05 years. It is further the contention that there are three minor children of the deceased who need to be taken care of by the petitioners and hence the money is urgently required by them. In support of his contentions, he relies upon a judgment of Hon'ble Supreme Court in **H.S. Ahammed Hussain vs. Irfan Ahammed, [2002(3) RCR (Civil) 563]** to contend that in the case of an adult it would not be appropriate to direct the deposit of the amount of compensation in a fixed deposit.

I have heard learned counsel for the petitioners.

In the present case, the claimant-petitioners are the parents of the deceased who are wanting the release of the amount which has been ordered to be deposited in FDR on the direction of the Tribunal qua their share. They have not made any prayer qua the amount which has been ordered to be deposited in the names of the minor children. It has further been contended that the petitioners require the amount for taking care of the children of the deceased and in support of his contention learned counsel for the petitioners has relied upon a judgment by the Hon'ble Supreme Court in **H.S. Ahammed Hussain's** case (*supra*) wherein it has been held as under :

“8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of

the victims should not have been directed to be kept in fixed deposit in a nationalised bank. In the facts and circumstances of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalised bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

Keeping in view the law laid down in the above referred case as well as the fact that the petitioners are major and also have minor children to look after, the present petition is allowed. The order dated 18.01.2021 passed by the Tribunal is set aside. The amount of compensation qua the share of the petitioners lying deposited in the shape of FDR be released to the petitioners forthwith.

Disposed off in the above terms. Pending applications, if any, also stand disposed off.

March 29, 2022
tripti

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO