

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

Sr. No.143

**CR-1323-2022 (O&M)
Date of Decision: 17.10.2022**

GURPYAR SINGH

....Petitioner

Versus

**LD MOTOR ACCIDENT CLAIMS TRIBUNAL, KARNAL AND
ANOTHER**

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Divyam Singh, Advocate for the petitioner.

ARCHANA PURI, J

CM-13830-CII-2022

Present application has been filed for placing on record the affidavit of the petitioner.

In view of the averments made in the application, same is allowed and the affidavit is taken on record.

Main Case

Challenge in the present revision petition is to the order dated 10.03.2022 passed by the Court below.

Perusal of the paper book reveals that initially, petitioner along with his mother, Sukhwinder Kaur, had filed a claim petition before learned Motor Accident Claims Tribunal, thereby seeking compensation on account of death of Lakhwinder Singh, in a motor vehicular accident. In pursuance of compromise with the Insurance Company, the Award dated 12.12.2020 was passed to the extent of Rs.12,40,000/-. Also further, it was ordered that 50% share of the claimants, shall be paid in cash and remaining 50% shall be deposited in some nationalized bank in the form of FDR, for a period of 5 years.

Feeling aggrieved by the rider of release of the amount in cash only, to the extent of 50% and of the remaining 50% to be invested in the form of FDR, the petitioner-Gurpyar Singh son of deceased Lakhwinder Singh, had filed an application for release of the residue amount of the FDR. However, vide the impugned order, only 20% of the FDR amount was ordered to be released, in favour of the petitioner.

It is submitted by learned counsel for the appellant that Lakhwinder Singh, deceased, father of the present petition, during his lifetime, had availed a Kisan credit loan on 26.10.2015, for an amount of Rs.2,18,000/- and in lieu of the same, the land was mortgaged with the Bank. Now, it is submitted that outstanding amount of loan of Rs.2,19,905/- and the Award amount is required to repay the loan besides the fulfilment of the basic amenities, as the petitioner has no source of income.

Petitioner has also filed an affidavit, thereby stating about the detail of the outstanding amount of the loan as well as stating that there is no appeal preferred either by the petitioner, his mother or by the Insurance Company, as the matter had been settled in the National Lok Adalat.

Considering the constrained circumstances, being faced by the petitioner and for the purpose of repayment of the loan amount, the impugned order dated 10.03.2022 is hereby set-aside and the complete amount of 50%, which has been invested in the form of FDR, be released to the petitioner, in accordance with the rules.

Accordingly, the instant petition stands disposed of.

(ARCHANA PURI)
JUDGE

17.10.2022
Sonu

Whether speaking/reasoned : Yes

Whether reportable : Yes/No