

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

125

CR-1954-2022

Decided on : 30.05.2022

Ram Phal and another

. . . Petitioner(s)

Versus

Jasvinder Singh and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sansar Kundu, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

Petitioners/claimants by way of present revision petition filed under Article 227 of the Constitution of India, are seeking modification of the impugned order dated 18.01.2022, passed by learned MACT, Jind, in case bearing No.CM-154/2021, vide which, in the application filed by the petitioners/claimants for releasing the FDR amount in their favour, only Rs.3,00,000/- each, had been ordered to be released in their favour.

Upon being put to notice on 24.05.2022, Mr. Anil Mehra, Advocate, has put in appearance on behalf of respondent No.3 – Insurance Company, and filed his power of attorney, same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel for the petitioners submits that the petitioners have an old house in their village Kharal, Tehsil Narwana, District Jind. The said house is in desperate need of repairs. Besides this, they also want to construct a room for their inhabitation. The petitioners, however, have no source of income to carry out the aforementioned repairs and construction in their house. It was, thus, in this background, they moved applications dated 15.12.2021 (annexed as Annexures P-3 & P-4, respectively), before the learned MACT, Jind, with the prayer that the Branch Manager, Axis Bank, Narwana Branch, be directed to release the amount of their respective FDRs. However, the learned MACT, Jind, without appreciating

the genuine need of the petitioners/claimants, vide order impugned order dated 18.01.2022, ordered release of only an amount of Rs.3,00,000/- each to the petitioners/claimants. Learned counsel submits that the meagre interest, which the petitioners are getting on the FDRs is not even enough for their sustenance and being major, they are mature enough to understand the value of money and also ensure that it is not squandered away.

Learned counsel for respondent No.3 does not oppose the prayer for disbursement of amount. He submits that this Hon'ble Court vide order dated 01.10.2021, passed in FAO-1380-2021, had stayed the disbursement of impugned compensation beyond Rs.21.00 lakhs.

Heard.

In view of the facts and circumstances of the case and keeping in view the age as well as the requirement of the petitioners/claimants, it would be just and appropriate to allow them to further withdraw an amount of Rs.7,25,000/- each (i.e. total Rs.14,50,000/-) from the amount lying in the form of FDRs with the Bank.

Consequently, the instant petition is disposed off with the directions to the learned MACT, Jind to disburse the amount of Rs.7,25,000/- each, to both the petitioners/claimants, which shall be over & above the amount of compensation ordered to be released in the sum of Rs.3,00,000/- vide the impugned order. Needless to add that the aforesaid amount would be released to the petitioners/claimants after due verification, in accordance with law.

(MANJARI NEHRU KAUL)
JUDGE

May 30, 2022

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No