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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2340-2022 (O&M)

Date of Decision: 29.08.2022

Kalawati

.. Petitioner

Vs.

Jasvinder and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sansar Kundu, Advocate for the petitioner.

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Manoj Bajaj, J. (Oral)

Petitioner/claimant by way of present revision petition filed under Article 227 Constitution of India, is seeking modification of the impugned order dated 04.04.2022, passed by the Motor Accident Claims Tribunal, Jind, whereby the application filed by her for releasing the FDR amount in her favour was disposed off with a direction to release only Rs.1,50,000/- to the claimant.

Learned counsel for the petitioner/claimant has argued that on account of death of petitioner's son, a total compensation of Rs.28,28,696/- was awarded to the claimants (petitioner and her husband/Ajmer) by the Motor Accident Claims Tribunal, Jind through award dated 07.07.2021, but out of the total amount of compensation, only Rs.25,000/- each was disbursed. He submits that respondent No.3-United India Insurance Company challenged the award by filing FAO No.1808-2021, wherein this Court vide order dated 13.10.2021 stayed disbursement of the compensation beyond Rs.22 lacs. He further submits that the petitioner has an old house in her village Kharal, Tehsil Narwana, District Jind which needs repairs and

additional construction, but they have no source of income to carry out the

aforementioned repairs and construction in their house. It was, thus, in this background, petitioner moved application dated 04.04.2022 before the MACT, Jind, with the prayer that the Branch Manager, Punjab National Bank, Kharal Branch, Tehsil Narwana, District Jind be directed to release the amount of her FDR. However, Id. MACT, Jind, without appreciating the genuine need of the petitioner/claimant, vide impugned order dated 04.04.2022, ordered release of only an amount of Rs.1,50,000/- to the petitioner/claimant out of Rs.10,75,000/-.

Notice of motion.

At this stage, Mr. Sidhant Mehra, Advocate has appeared and filed his power of attorney on behalf of respondent No.3. The same is taken on record and does not oppose the prayer for disbursement of remaining amount. He fairly concedes that vide order dated 13.10.2021, this Hon'ble Court had only stayed the disbursement of compensation beyond Rs.22 lacs.

Heard.

In view of the facts and circumstances of the case and keeping in view the age as well as the requirement of the petitioner/claimant, it would be just and appropriate to allow her to further withdraw the remaining amount of Rs.9,25,000/- lying in the form of FDR with the bank.

Consequently, the petition is allowed and Id. MACT, Jind is ordered to release the remaining amount of Rs.9,25,000/- along with interest accrued thereupon, if any, to the claimant forthwith.

29.08.2022

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

(MANOJ BAJAJ)
JUDGE

Yes No

Yes No