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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2263-2022 (O&M)

Date of Decision:29.08.2022

Ajmer Singh

.. Petitioner

Vs.

Jasvinder and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Sidhant Mehra, Advocate
for respondent No.3.

...

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 application filed by him for releasing the FDR amount was disposed of 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 his wife/Kalawati) 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 to pay the loan amount of Rs.7,00,000/-, which was taken by him from Vinod Kumar on

2% interest, but he has no source of income to repay the said loan amount alongwith interest. 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 his 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/-.

At this stage, Mr. Sidhant Mehra, learned counsel states that he has no objection, if the prayer of the petitioner to release the remaining amount of the compensation is allowed. 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 him 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

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No