

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

Sr. No.120

CR-4127-2022

Date of Decision: 11.10.2022

Om Parkash

.... Petitioner

Versus

Sarvesh Ram @ Bathe Ram and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepak Vashishth, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India for modification of the impugned order dated 01.12.2021 (Annexure P-1) passed by the Executing Court/Tribunal, whereby the amount of compensation awarded to the petitioner/claimant was ordered to be released only to the extent of 50%.

The facts of the case are that vide award dated 28.08.2014 (Annexure P-2) passed by Motor Accident Claims Tribunal, Jind, compensation of Rs.4,86,000/- along with interest was awarded to the claimants. The amount of compensation was further enhanced to Rs.11,48,000/- along with interest, by this Court vide order dated 10.12.2019 passed in FAO No.494 of 2016 (Annexure P-3). It was further ordered that the conditions regarding disbursal of the amount shall remain the same as decided by the Tribunal. The Tribunal vide its award dated 28.08.2014 had ordered that 75% of the awarded amount shall be paid to claimant

Hari Chand, and the remaining 25% of the amount shall be paid to claimant Om Parkash (present petitioner). After releasing Rs.1,00,000/- to Hari Chand and Rs.50,000/- to Om Parkash in cash, the remaining amount was ordered to be deposited in fixed deposits in Bank.

Subsequently, the claimant before the Tribunal namely Hari Charan, father of the present petitioner died. He is survived by two legal representatives, i.e., his son, who is the present petitioner/claimant and his daughter, namely, Minta Devi. It is recorded in the order dated 16.03.2021 (Annexure P-4) by the Tribunal that Minta Devi has suffered a statement to pay the amount of her share to her brother namely Om Parkash/present petitioner.

Learned counsel for the petitioner states that there is medical emergency in the family of the petitioner. Earlier the petitioner's wife Sabita Devi was suffering from Kidney Stone ailment and was operated upon, and now, his daughter Jyoti is suffering from Pleomorphic Adenoma. She is also to be operated upon on that account. While referring to the discharge summary dated 03.02.2022 (Annexure P-6), learned counsel submits that one surgery upon petitioner's daughter has already been done and the second one needs to be done in near future. Therefore, the amount of compensation should be released to meet the medical expenses.

In these circumstances, and also keeping in view the fact that the petitioner/claimant is an adult, this Court deems it appropriate to order release of the remaining amount of compensation to the petitioner, by modifying the order passed by the Tribunal dated 01.12.2021 to that extent.

Ordered accordingly.

The Tribunal is directed to ensure release of the entire remaining amount along with interest to the petitioner.

Petition stands allowed.

(TRIBHUVAN DAHIYA)
JUDGE

11.10.2022
Maninder

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No