

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.6165 of 2019

Date of Decision : 22.03.2022

Kirpa Devi

....Petitioner

VERSUS

Motor Accident Claims Tribunal, Gurugram & Anr.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Siwach, Advocate for

Mr. Ashish Gupta, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is a civil revision under Article 227 of the Constitution of India for setting aside the order dated 30.07.2019 (Annexure P-1) passed by the Motor Accident Claims Tribunal, Gurugram (for short the 'Tribunal') whereby the application filed by the petitioner for withdrawal of the amount lying in fixed deposit with respondent no.2 – Baroda Rajasthan Kshetriya Gramin Bank, Alwar, District Alwar (Rajasthan) – has been dismissed.

Learned counsel for the petitioner would contend that the Tribunal while passing the award in favour of the petitioner and her minor children on 14.11.2018 had directed that the amount of compensation awarded to the petitioner herein i.e. ₹8,38,000/- with accrued interest be paid to the petitioner by depositing 50% thereof in her bank account in the shape of FDR for a period of five years. He would further contend that the said amount is required by the petitioner for construction of her house. He has relied upon judgment of Hon'ble Supreme Court in **H.S. Ahammed Hussain**

vs. Irfan Ahammed, [2002 (3) RCR (Civil) 563] to contend that in the case of an adult it would not be appropriate to direct the deposit of the amount of compensation in a fixed deposit.

I have heard learned counsel for the petitioner.

In the present case the petitioner is the wife of the deceased who is wanting the release of the amount which has been deposited in FDR on the direction of the Tribunal qua her share. She has not made any prayer *qua* the amounts which have been deposited in the name of minor children. It has further been contended that the petitioner requires the amount for construction of her house and in support of his contention learned counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court in *H.S. Ahammed Hussain vs. Irfan Ahammed's case (supra)* wherein it has been held as under :

“8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit in a nationalised bank. In the facts and circumstances of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalised bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

Keeping in view the law laid down in the above referred case as well as the fact that the petitioner is a major and also has minor children to look after, the present petition is allowed. The order dated 30.07.2019 passed by the Tribunal is set aside. The amount of compensation qua the share of the petitioner lying deposited in the shape of FDR be released to the petitioner forthwith.

Disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

**22nd March, 2022
jk**

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO