

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

Sr. No.119**CR No.4664 of 2022****Date of Decision: 21.10.2022**

James and another
being represented through their mother

.... Petitioners

Versus

Vikram Meena and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K.Panwar, Advocate
for the petitioners.

TRIBHUVAN DAHIYA, J. (ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.10.2022 (Annexure P-3) passed by the Motor Accident Claims Tribunal, Palwal, declining the petitioner/claimants' application for releasing the amount deposited in FDRs in the name of two minor claimants Tanvi and James.

2. The Tribunal, vide award dated 02.04.2019 (Annexure P-1), has awarded total compensation of Rs.76,86,677/-; out of which minors were to get an amount of Rs.20 lakh each along with interest @ 7% per annum from the date of filing of the claim petition till the actual payment of compensation. It has further been ordered that the share of minor claimants shall be deposited in some Nationalized Bank in the shape of FDRs till they attain the age of majority, with a rider that no loan etc. shall be advanced against it.

3. Learned counsel states that the minor claimants' mother, on behalf of the minors Tanvi and James, has entered into an agreement to sell dated 19.09.2022 (Annexure P-2) with the vendor Dinesh Singh son of Bihari Singh, for purchasing land measuring 20 *kanal* 3 *marla* in village Ghor, Tehsil and District Palwal. The date for registration of sale deed is on or before 02.11.2022. He further contends, the Tribunal has wrongly dismissed the application for release of FDR amount by recording that the money is not needed for welfare of the children/minors.

4. The aforesaid facts make it apparent that the release of FDR amount is being sought to purchase land for the minors, based upon the agreement to sell dated 19.09.2022. Since the land is being purchased for the minors in their name, it cannot be said the money is not needed for their welfare. Therefore, this Court is inclined to interfere with the impugned order.

5. Keeping in view the minors' interests, it is ordered that the amount of compensation falling to their share, i.e., Rs.40 lakh, shall be released by way of demand draft in favour of the vendor Dinesh Singh son of Bihari Singh for execution of sale deed based upon the agreement to sell dated 19.09.2022 (Annexure P-2). It is further ordered that the amount of interest accrued so far shall be deposited in new FDRs in the Nationalized Bank concerned where the FDR accounts are already opened. It is further ordered that a red ink entry prohibiting sale or mortgage of the aforesaid land in any manner till the minors attain majority shall be made in the revenue record.

6. Accordingly, the Tribunal's order dated 04.10.2022 (Annexure P-3) is set aside, and the petition is disposed of in the aforesaid terms.

7. The Tribunal is directed to ensure; (i) release of the principal amount of compensation falling to the share of minors in the aforesaid manner and deposit of the remaining amount of interest in new FDRs in their name; (ii) recording of red ink entry in the revenue record against further sale and/or mortgage of the land.

(TRIBHUVAN DAHIYA)
JUDGE

21.10.2022
Maninder

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