

In the High Court of Punjab and Haryana at Chandigarh

123-2

CR-590-2023 (O & M)

Date of Decision: January 30, 2023

SAVITRI

.....PETITIONER

VERSUS

BASANT KUMAR AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms.Deepika, Advocate and
Mr. S.K. Yadav, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 09.01.2023 passed by the Tribunal whereby the application dated 17.12.2022 (Annexure P-3) for withdrawal of the amount lying in the FDR has been declined.

Learned counsel for the petitioner submits that the petitioner is the father of the deceased Sonu, who had expired in a road accident. The Motor Accident Claims Tribunal, Narnaul vide award dated 17.05.2022 (Annexure P-1) had awarded the compensation of Rs.20,05,000/- to the claimants along with interest @ 9 % p.a. from date of filing of petition till realization. It was directed by Tribunal that 50 per cent of the compensation would be paid to the widow of the deceased, 25 per cent to the minor child and 25 per cent to the parents of the deceased in equal shares. The amount of Rs.2,62,150/- was payable to the petitioner, who is the mother of the deceased and an FDR was made for this amount as specified in the application seeking release of the same dated 17.12.2022 (Annexure P-3). The petitioner requires the money and, it would be difficult for her to wait till the maturity of the FDR i.e 15.09.2024. She has relied upon the judgments of this Court in **Jagwanti and others versus Roshan and others**, 2021 (3) PLR 294 and **Dharampal versus Hoshiyar Singh and others**, 2007 (5) RCR (Civil) 806.

Heard.

The application of the petitioner for withdrawal of the amount lying in the FDR has been declined on the ground that the petitioner has not been able to put forth any cogent ground to indicate that she requires money. The award of the Tribunal is stated to have attained finality. The amount which was payable to the petitioner had been kept in FDR and it is entirely upto the petitioner as to how she utilizes the amount. The petitioner is stated to be over 45 years old and is not required to submit any documentary evidence in support of her need to withdraw the amount.

Consequently, the petition is allowed and the impugned order dated 09.01.2023 is set aside. The petitioner would be entitled to withdraw the amount lying in the FDR and utilize the same.

(ANUPINDER SINGH GREWAL)
JUDGE

January 30, 2023
A.Kaundal

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No