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

C.R NO. 456 OF 2021 (O&M)

DATE OF DECISION : 24.05.2023

Balbir**...Petitioner**

Versus

Rajesh Kumar and others**...Respondents**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sumit Gupta, Advocate,
For the petitioner.

Mr. J. S. Dadwal, Advocate,
For respondent No.2.

Mr. Punit Jain, Advocate,
For respondent No.3.

ARUN MONGA, J. (ORAL)

Impugned herein is what is stated to be an erroneous approach adopted by learned Tribunal below in passing the directions to pay only 50% out of total compensation of Rs.15,00,000/- to claimant/petitioner vide Award dated 11.09.2020 (Annexure P-2), who is widower of victim who lost her life in accident in question and remaining amount has been ordered to be kept in the shape of Fixed Deposit Receipts which is to mature after five years.

2. Whether or not such a course could have been adopted is the limited question for determination.

3. Controversy in hand is no more *res integra*. Reference may be had to a judgment rendered by Rajiv Narain Raina, J. (as he then was in this

Court) *Parminder Singh vs. New India Insurance Co. Ltd.*¹ wherein a similar situation arose and this Court deprecated the refusal of the request for premature withdrawal of claimant's money lying in FDR on the part of learned Tribunal, for want of proof of necessity.

4. I am in respectful agreement with the views expressed by my learned brother and I see no reason as to why instant petition be not allowed.

5. Learned counsel for petitioner argues that need is to be assessed by the petitioner and Tribunal cannot be a supervisory authority to impose its decision with regard to need of said amount to the petitioner. He further argues that house of petitioner is in very bad condition and not fit for living and amount is required for renovation of the house. The money awarded to them has been kept in fixed deposit at a much lower interest.

6. Be that as it may, apart from these reasons, which have been noted herein above only in the passing reference, the aforesaid views expressed by my learned brother alone, would suffice to allow the petition and therefore, it is irrelevant for what reasons petitioner requires money.

7. In the premise, instant revision petition is allowed. Learned Tribunal is directed to disburse the entire amount of compensation with interest forthwith.

8. Pending civil miscellaneous application, if any, shall also stand disposed of.

MAY 24, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No