

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1364-2023

Date of Decision :01.03.2023

Mamta

...Petitioner

Versus

Akshay Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Kohar, Advocate for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

Present revision petition has been filed challenging order dated 15.02.2023 (Annexure P/1) by which, an application filed by the petitioner seeking direction for the release of amount, which is lying in the FDR bearing A/C No.40326298792 of her minor daughter i.e. respondent No.4 namely, Manisha so as to perform marriage of her elder daughter namely Sudesh, has been dismissed.

Learned counsel for the petitioner argues that once the petitioner is taking care of her minor daughter in whose account the amount of compensation was deposited after the death of her father, petitioner being mother is entitled to use the said amount for the welfare of the other children also hence, the direction should have been given by the Commissioner concerned for the release of the said amount from FDR account so that the marriage of other daughter of the petitioner namely, Sudesh could be performed.

The said argument is fallacious. The compensation which has been deposited in the account of respondent No.4 i.e. a minor daughter of the petitioner, belongs to her and can only be used for her welfare and not for the welfare of other children. The Commissioner concerned has rightly observed in the impugned order dated 15.02.2023 that while filing the application the only reason given by the petitioner to withdraw the amount which belongs to respondent No.4, is to perform the marriage of her elder daughter namely, sudesh, who was also awarded compensation. That being so, once the reason given in the application seeking withdrawal of the amount deposited in the FDR account is not for the welfare and the interest of minor daughter Manisha, the dismissal of the said application of the petitioner by the Commissioner for the release of the amount so as to perform the marriage of other daughter cannot be treated arbitrary and illegal. The impugned order has been passed so as to take care of the amount for which, a minor daughter of the petitioner namely, Manisha is entitled for her personal use and which can only be used for her welfare and not for the welfare of the other children of the petitioner.

Keeping in view the above, no ground for interference by this Court is called for and the present revision petition is accordingly dismissed.

March 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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