

CR-2445-2023

2023:PHHC:095337

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-2445-2023

Date of Decision: 26.7.2023

Rajwati

....Petitioner

VERSUS

Rakesh Kumar and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arvind Kumar Yadav, Advocate,
for the petitioner.

Mr. Neeraj Yadav, Advocate,
for respondents No.1 and 2.

Mr. Amit Kumar Goyal, Advocate,
for respondent No.3.

KARAMJIT SINGH, J.

This revision petition has been filed by the petitioner/claimant against the order dated 29.9.2022 (Annexure P-1) passed by learned Motor Accident Claims Tribunal, Rewari (in short, “the Tribunal”) whereby the application filed by the petitioner for releasing the amount deposited in the shape of FDR in her name on the basis of award dated 15.2.2022, has been dismissed.

2. Counsel for the petitioner submits that Rambir husband of the petitioner died in a motor vehicle accident and thereafter, the petitioner and her unmarried daughter filed claim petition and the same was allowed and award of ₹ 13,40,200/- along with interest was passed in their favour by the learned Tribunal. As per said award, 70% of the awarded amount was deposited in the fixed deposit receipt in the name of the petitioner while balance 30% of the awarded amount was deposited in FDR in the name of

her daughter Sapna. Counsel for the petitioner further submits that the petitioner and her daughter are having no source of income and the petitioner requires money for her daily needs as well as that of her daughter who is of marriageable age and pursuing course in law.

3. Counsel for the petitioner further submits that the petitioner is in need of money even to pay education expenses of her daughter; that however the request made by the petitioner for release of FDR to the extent of her own share has been declined by learned Tribunal vide order Annexure P-1 without taking into consideration the facts and circumstances of the present case as has been dealt above.

4. Counsel appearing on behalf of respondents No.1 and 2 and counsel appearing for respondent No.3-insurance company have no objection if the request made by the petitioner is allowed and 70% of the awarded amount deposited by way of FDR in the name of the petitioner is released in her favour.

5. I have considered the submissions made by the counsel for the parties.

6. The very ambit and object of award of compensation is to tide over the family of the deceased in a financial crisis. In the present case, the petitioner lost her husband and there is no other earning member in the family and the petitioner requires financial help to run the household and to meet educational expenses of her daughter who is aged about 22-23 years. The learned Tribunal while passing the award dated 15.2.2022 gave direction to deposit the entire awarded amount in the shape of FDRs in the name of the petitioner to the extent of 70% and in the name of her daughter to the extent of remaining 30%. The said rider imposed by the learned

Tribunal seems to be inappropriate and improper as money is required immediately by the petitioner to meet with her daily needs.

7. Consequently, the present revision petition is allowed and concerned bank is directed to release the FDR relating to 70% share of the petitioner along with interest accrued on the said amount in favour of the petitioner at the earliest. However, there is no direction with regard to release of FDR which is there in the name of Sapna daughter of the petitioner.

(KARAMJIT SINGH)
JUDGE

July 26, 2023
Paritosh Kumar

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