

CR-3011-2023 (O&M)

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

Sr. No.129

**CR-3011-2023 (O&M)
Date of Decision: 04.09.2023**

KELA DEVI

....Petitioner

Versus

SANJAY AND OTHERS

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Rajiv Rathor, Advocate for
Mr. Gulshan Nandwani, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

CM-10251-CII-2023

Present application has been filed for placing on record the copy of Award dated 17.10.2022, passed by Motor Accident Claims Tribunal.

In view of the averments made in the application, same is allowed and the requisite copy of Award dated 17.10.2022, is taken on record.

Main case

Challenge in the present revision petition is to the order dated 17.10.2022 (Annexure P-3), passed by the Court below, whereby an application for releasing of FDR amount of Rs.3,11,149/-, filed by the petitioner/claimant, was dismissed.

As culled out from the paperbook, claim petition bearing MACP No.409/2019 was filed by the petitioner, Kela Devi, and the same

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was decided vide order dated 17.10.2022, whereby direction was also made with regard to the disbursement of the compensation, so worked upon by learned Tribunal and part of the amount of compensation was ordered to be deposited in the form of FDR.

On account of constrained circumstances, faced by the applicant/petitioner, an application for releasing the amount of Rs.3,11,149/-, particulars whereof has been given in the application itself. However, the said application was dismissed vide the impugned order.

In view of the law laid down in “*H.S.Ahammed Hussain v/s Iran Ahammed, 2002 (3) RCR (Civil) 563*, passed by Hon’ble Supreme Court, deposit of compensation in a fixed deposit scheme was held to be not proper in the case of the adults and thereupon in the case under consideration, the parents of the deceased were directed to be paid their share of compensation, in cash and also it was held that if the amount was invested in the form of Fixed Deposits, it has to be withdrawn prematurely.

In view of the ratio of the aforesaid case law, the revision petition, as such, is hereby accepted and the impugned order is hereby set-aside and the application for release of the amount, so invested, in the form of FDR, as detailed in the application, be released in favour of the applicant/petitioner, without any further delay.

Accordingly, the instant revision petition stands disposed of.

04.09.2023
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(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No