

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(129)

CR No.4719 of 2023 (O&M)
Date of Decision:21.09.2023.

Bena and another

.....Petitioners

Versus

Arvind Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sajjan Singh, Advocate
for the petitioners.

VIKRAM AGGARWAL, J. (ORAL)

CM No.17279-CII of 2023

Prayer in the present application is for placing on record affidavit of applicant-petitioner no.1 as Annexure P-6.

For the reasons mentioned in the application, the same is allowed and affidavit dated 08.09.2023 (Annexure P-6) is taken on record.

The Registry is directed to tag the same at an appropriate place in the case file.

CR No.4719 of 2023

1. The present petition assails the order dated 29.05.2023 passed by the Motor Accident Claims Tribunal, Jind (Annexure P-1), vide which the application filed by the petitioners for pre-mature release of FDR were rejected.

2. The husband of petitioner No.1 namely, Rakesh expired in a motor vehicular accident. A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988, which was disposed of on 07.01.2015. Total compensation of ₹9.85 lacs was ordered to be paid to the claimants, who were the father, widow and two minor children of Rakesh. Since the father-Phul Singh had expired during the pendency of the claim petition, his name was ordered to be deleted. Out of the awarded amount, a sum of ₹4,85,000/- was ordered to be paid to the present petitioner

No.1, who was the widow of Rakesh. A sum of ₹ 2.5 lacs was each was ordered to be paid to the minor son and daughter of Rakesh. The amount awarded in their favour was ordered to be kept in a Fixed Deposit fetching the maximum interest in a nationalized bank and it was further directed that the minors would be entitled to withdraw the amount on attaining majority.

3. An application came to be moved by the widow of Rakesh namely Bena and the minor son Aryan requesting for release of the amount deposited in the name of the minor son/petitioner No.2 since the same was required for his further studies. This application was dismissed by the Tribunal leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioners.

5. Learned counsel for the petitioners contends that though the petitioner No.2-Aryan is still a minor, the amount is required for his further higher studies as he is in 10th Class and has to take coaching for other courses after completing Class 10th. It has been submitted that petitioner No.1 is unable to bear the expenses for the same as a result of which, the amount of FDR be released.

Keeping in view the facts and circumstances of the case, where petitioner No.1 lost her husband at a young age and is struggling to provide education to her children, I deem it appropriate to accept the request. The impugned order dated 29.05.2023 passed by the MACT, Jind, is, therefore, set aside and application filed by the petitioners is allowed. Amount of ₹ 2.5 lacs, which has kept in the FDR in the name of petitioner No.2 be released to petitioner No.1, as per rules.

September 21st, 2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

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