

125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4787-2023
DECIDED ON: 22.08.2023

CHIDIYA DEVI AND ANR.

.....PETITIONERS

VERSUS

ANIL AND ORS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Raman Chawla, Advocate
for the petitioners.

VIKRAM AGGARWAL, J (ORAL)

1. The present civil revision petition, preferred under Article 227 of the Constitution of India, lays challenge to the order dated 27.01.2023 (Annexure P4) passed by the Motor Accident Claims Tribunal, Hisar, (hereinafter referred to as the 'MACT') vide which the application seeking permission to withdraw the amount lying deposited in FDR in Sarva Haryana Gramin Bank, Village Kirmara, District Hisar as well as in Sarva Haryana Gramin Bank, Village Nangthala, District Hisar was dismissed.

2. A claim petition was filed under Section 166 of the MACT by the present petitioners and proforma respondents No.3 to 5 for the grant of compensation of ₹50,00,000/- on account of the death of Sher Singh in a motor vehicular accident which took place on 23.12.2018. The MACT allowed the claim petition and awarded a sum of ₹14,21,610/- (alongwith interest @ 6% per annum) as compensation. The same was ordered to be paid to the claimants in specified shares as held by the MACT. 20% of the amount was ordered to be paid to the claimants in their bank accounts and the

remaining amount was ordered to be deposited in the shape of FDR for a period of three years.

3. An application was moved by the present petitioners namely the widow of Sher Singh and his mother for the release of their shares which was lying deposited in FDR. It was their case that the marriage of Poonam, daughter of Sher Singh had been solemnized and for the same a considerable amount had been obtained by the applicants on loan which was to be repaid. The MACT rejected the said application on the ground that the averments were vague and no details had been given.

4. Learned counsel for the petitioners submits that the amount had been ordered to be kept in FDR for a period of three years out of which almost two years have elapsed, since the award was passed in December 2021. It has been submitted that the need was genuine as a result of which an application had been moved by the present petitioners who are none else then the widow and the mother of deceased-Sher Singh.

5. I have considered the submissions made by learned counsel for the petitioners and am of the considered opinion that the view taken by the MACT is erroneous.

6. The amount of compensation was intended to come to the aid of the claimants in the absence of the bread winner of the family namely Sher Singh. The version of the petitioners that the marriage of Poonam had been solemnized and considerable amount of loan had been taken is acceptable. Even otherwise, a major period of the stipulated three years has already lapsed. I do not find any reason to decline the request of learned counsel for the petitioner.

In view of the above, the present revision petition is allowed. The

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order dated 27.01.2023 passed by the MACT is set aside and the application filed by the present petitioners for release of the amount (alongwith interest @ 6% per annum) deposited in FDR is allowed. The same be released to them by the concerned MACT against proper receipt and verification and as per rules.

22.08.2023
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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