

CR-5636-2023 (O&M)

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

Sr. No.128

**CR-5636-2023 (O&M)
Date of Decision: 25.09.2023**

SAROJ

....Petitioner

Versus

SURESH KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Karan Singh, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 20.04.2023 (Annexure P-3), passed by the Court below, whereby an application was partly allowed, *vis-a-vis*, encashment of FDR No.322169 dated 22.09.2022.

As evident from the paperbook, initially the present petitioner had filed the claim petition under Section 166 of the Motor Vehicles Act, on account of death of Balwan, her husband. In pursuance of civil trial, compensation was granted to the extent of Rs.9,55,300/-, vide Award dated 04.01.2022. In the Award itself, it was mentioned about the amount of Rs.8,85,300/- plus Rs.35,000/-, to be given to the petitioner No.1-Saroj, widow of the deceased and on realization of the amount of compensation only Rs.30,000/- was ordered to be paid in cash and the remaining was ordered to be deposited in the Nationalized Bank, for a period of two years.

In consonance with the aforesaid direction given by learned

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Tribunal, FDR was prepared on 22.09.2022. Furthermore, it is evident that thereafter the present petitioner had filed an application for seeking release of the amount of FDR due to constrained circumstances, on the ground that she requires the amount for construction and repair of her house and is in need of the said money.

Considering the same, vide the impugned order, the application was partly allowed and a sum of Rs.2,00,000/- was ordered to be released to the petitioner along with upto date interest, on production of the original FDR.

Feeling aggrieved, the petitioner has filed the present revision petition.

Considering the constrained circumstances, as spelt out in the application so filed and also considering the very fact of the expiry of one year, since the preparation of the FDR, to facilitate the purpose for which, the amount is required, the present revision petition is hereby accepted and the requisite amount of the FDR, so prepared with regard to the extent of the compensation falling to the extent of share be encashed, in favour of the petitioner.

Accordingly, the instant revision petitions stands disposed of.

25.09.2023
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No