

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.128

Case No. : C. R. No. 5828 of 2023

Date of Decision : October 05, 2023

Babli Petitioner
vs.
Ld. Motor Accident Claims Tribunal,
Panipat and others Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Divyam Singh, Advocate
for the petitioner.

* * *

GURBIR SINGH, J. :

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is to the order dated 05.09.2023 (Annexure P-1), passed by the learned Motor Accident Claims Tribunal, Panipat (for brevity – the Tribunal), vide which the application of the petitioner, for release of amount lying deposited in the FDR, has been dismissed.

2. The brief facts, as evident from the paper-book, are that the petitioner had filed the claim petition for grant of compensation under Section 166 of the Motor Vehicles Act, which was partly allowed vide order dated 07.11.2022. Award of Rs.13,91,000/- was passed in favour of the petitioner along with interest @ 6% p.a. from the date of institution till the realization of amount. It was ordered that 50% of the awarded amount would be released to the petitioner in cash and remaining amount along with interest would be kept in fixed deposit in a nationalized bank fetching maximum interest for a period of three years. Accordingly, 50% of the

amount was deposited in the fixed deposit for three years. The petitioner moved an application pleading therein that the said amount of fixed deposit be released to her for construction of house and for the settlement of her unmarried son. The learned Tribunal dismissed the application on the ground that no documentary evidence was attached with the application.

3. Learned counsel for the petitioner has placed on the record a photograph of under-constructed house (Annexure P-4). However, after arguing for some time, when faced with the query put by the Court that some amount would certainly be required by the petitioner in future as well during her old-age, learned counsel has submitted that a sum of Rs.5,00,000/- be given to the petitioner out of the amount lying in the fixed deposit. In this way, she would be satisfied after getting some money to meet her present financial requirements.

4. Heard.

5. Since the petitioner needs funds to complete the construction of her partially constructed house and also need some money for settlement of her unmarried son, it would be in the interest of justice if an amount of Rs.5,00,000/-, out of amount lying in FDR, is ordered to be released to the petitioner and the remaining amount be kept in the fixed deposit, as per the Award dated 07.11.2022.

6. Ordered accordingly.

7. The revision petition stands disposed of in the above terms.

October 05, 2023
monika

(GURBIR SINGH)
JUDGE

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

