

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6289-2023
DECIDED ON: 17.11.2023

HEENAPETITIONER

VERSUS

ANIL KUMAR GULIA AND ANR.RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Rajat Mor, Advocate
for the petitioner.

Mr. Sachin Gupta, Advocate
for respondent No.2 – Insurance company.

SANJAY VASHISTH, J (ORAL)

CM-20698-CII-2023

Present application has been filed by the applicant/petitioner for seeking preponement of the date of hearing in the main case i.e. CR-6289-2023 which is already fixed for 20.11.2023 to some early date, as per the convenience of this Hon'ble Court.

Counsel for the applicant/petitioner submits that applicant-petitioner/claimant has entered into an agreement to sell and in order to pay the sale consideration, premature release of FDR is required.

Target date fixed for registration of the sale deed is 21.11.2023. Therefore, preponement of the date of hearing in the main case is prayed for, through the present application.

Counsel appearing on behalf of the respondent No.2 – insurance company raises no objection in allowing the prayer made in the application.

Accordingly, hearing in the application is preponed from 20.11.2023 to 17.11.2023 i.e. for today itself.

CM stands disposed of.

CR-6289-2023

1. Present petition has been filed by the petitioner challenging the order dated 10.10.2023 passed by Motor Accident Claims Tribunal, Rohtak whereby, request for premature release of the fixed deposit amount of Rs.13,85,905/- has been declined.

2. Counsel for the petitioner submits that the claimant/appellant suffered injury in the motor vehicle accident, which resulted into the amputation of her right leg and multiple fractures in the left leg and a rod is also implanted in her leg.

3. Vide award dated 02.12.2022, learned Tribunal awarded the compensation amount of Rs.24,64,180/- along with the interest @ 6 % per annum from the date of filing of the petition till its actual realisation on account of the injuries suffered by the petitioner.

4. 50% of the amount i.e. Rs.13,85,905/- was ordered to be deposited in the fixed deposit and accordingly, said amount was deposited in the fixed deposit by the insurance company with Indian Bank, HUDA Complex, Rohtak.

Said award has attained finality, because, it was never

challenged before the higher Court by the insurance company or any other respondent in the claim petition. However, one appeal for seeking enhancement of amount of compensation is pending before this Court.

5. Counsel for the petitioner further submits that petitioner is aged about 31 years and is mother of a minor daughter. Petitioner has acquired the education of Master in Computer Application and now, she is intending to buy a house in the Rohtak City for the purpose of running a coaching centre to earn livelihood for herself and for her family. For the said purpose on 21.08.2023, petitioner entered into an agreement to sell with one Anju Devi w/o Sh. Vijay Kumar s/o Rammehar, R/o Khidwali, Tehsil and District Rohtak for purchasing a house measuring 48 square yards bearing Municipal Corporation Property ID No.10 C 1788 U 94, situated in the populated area of Nehru Colony, Rohtak Min Khasra No.1449 and 1453. As per said agreement, an amount of Rs.1,00,000/- has already been paid as earnest money, out of total sale consideration of Rs.15,75,000/-. Thus, petitioner prays for release of the FDR amount, so that, she may buy the property by making complete payment and get the registered sale deed executed.

6. Counsel appearing on behalf of the respondent submits that the request made by the petitioner has been dismissed by learned Tribunal vide its order dated 10.10.2023. Hence, the present revision petition has been filed.

7. Learned counsel for the respondent – insurance company further submits that he has received the required instructions from the

insurance company that in case, prayer made in the petition for releasing the amount is accepted, there would not be any objection to the insurance company.

7. Moreover, complete amount as awarded by learned Tribunal has already been deposited as per the directions.

8. Taking note of all the facts and circumstances and the submissions addressed by counsel from both the sides, this Court is of the view that petitioner is a major, aged about 31 years and has already suffered a lot on account of the accident and is looking after the education of her girl child. Petitioner herself is also a well educated person i.e. MCA and undoubtedly, she has her own choice to live the way, she likes. Thus, for the purpose of having some source of livelihood, the petitioner has entered into an agreement to sell and an amount of Rs.1,00,000/- has been paid and remaining balance amount is yet to be paid and undoubtedly, said amount can be paid by the petitioner comfortably only if, the prayer made in the petition is allowed for releasing of the FDR amount.

9. Thus, in the totality of the facts and circumstances, this Court considers it appropriate to allow the present petition and grant permission to the MACT, Rohtak to release the FDR amount so that the petitioner may utilise this amount for the purpose as expressed before this Court. Thus, ordered accordingly.

10. Civil revision petition stands disposed of.

However, it is directed that after registration of the sale deed

of the property as submitted by the counsel and explained in the petition, certified copy of the same would be placed on record of the present revision petition and petition is adjourned to 12.12.2023 for the said limited purpose.

17.11.2023
Lavisha

(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>