

2023:PHHC:145994

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-6802-2023 (O&M)

Date of Decision: November 16, 2023

Madan Lal and another

...Petitioners

Versus

Motor Accident Claims Tribunal Hisar and others

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Kuldeep Singh Siwach, Advocate
for the petitioners.

ARCHANA PURI, J.

CM-21130-CII-2023

The present application has been filed for placing on record the affidavit of Madan Lal dated 15.11.2023 and photographs of the house.

In view of the averments made in the application, same is allowed and the requisite documents are taken on record.

CR-6802-2023

Challenge in the present revision petition is to the order dated 27.07.2023 (Annexure P-1) passed by learned Motor Accident Claims Tribunal, whereby, an application filed by the petitioners-claimants for release of the awarded amount, remaining 75% i.e. Rs.19,37,000/- has been dismissed.

As culled from the paperbook, claim petition bearing MACP Case No.12 of 2022, CIS No.MACP/42/2022 was filed by the present petitioners and others, which was decided vide judgment dated 20.07.2022, whereby, compensation was granted only to the present petitioners to the extent of Rs.25,83,600/-. Vide this judgment, the compensation, so awarded was ordered to be shared equally between the petitioners. However, further direction was given by learned Tribunal that out of the awarded amount, 25% be paid to the petitioners through their bank accounts and remaining amount of compensation be deposited in the shape of FDR for three years. After the expiry of period of three years mentioned above, FDR be released to the petitioners, after due identification and under intimation to the Court.

However, due to constrained circumstances, faced by the petitioners, an application for release of amount deposited in the form of FDR was made by the present petitioner-Madan Lal. However, the said application was dismissed vide order dated 27.07.2023.

In view of the law laid down by the Hon'ble Supreme Court in '*H.S.Ahameed Hussan vs. Iran Ahammed, 2002(3) RCR (Civil) 563*', deposit of compensation in a fixed deposit scheme, was held to be not proper, in case of the adults and thereupon, in the case under consideration, the parents of the deceased were directed to be paid their share of compensation, in cash and also it was held that if the amount was invested in the form of Fixed Deposits, it has to be withdrawn prematurely.

Besides the same also, it is specific claim of the petitioner-Madan Lal that he had two sons. He belongs to a poor family and for

marriage of his sons, he has to construct first floor of his house and requires money for marriage of his sons and construction work. By way of separate application, affidavit with regard to the contents of the said application, has also been filed.

In view of the constrained circumstances, so faced by the petitioners and in view of the ratio of the aforesaid case law, the present revision petition is hereby accepted and the application for release of amount, so invested in the form of FDR, as detailed in the application, be released, in favour of the petitioners, without any further delay.

November 16, 2023
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No