IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.124

Case No. : C. R. No. 7120 of 2023

Date of Decision : November 28, 2023

Rajbala and another .... Petitioners

vs.

Eshanna DC and others .... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

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

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GURBIR SINGH, J. :

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is to the order dated 04.09.2023 (Annexure P-3), passed by learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as – the Tribunal), whereby application of the petitioners, for withdrawal of the amount lying deposited in two FDRs for Rs.17,13,799/- each, has been dismissed.

2. The brief facts, as culled out from the petition, are that the learned Tribunal passed the Award dated 31.05.2022 in favour of the petitioners granting compensation on account of death of their son in the motor vehicular accident. Respondents no.1 to 3 were held responsible to pay the compensation amount along with interest jointly and severally. The relevant portion of the Award dated 31.05.2022 passed by the learned Tribunal reads as under :-

“.....The amount of compensation shall be shared

equally between the petitioners. Out of the awarded amount of 50% be paid to the petitioners through their Bank accounts and remaining amount of compensation be deposited in shape of FDR for three years. FDR after expiry of period mentioned above be released to petitioners after due identification through bank accounts to the petitioners under intimation to this court. The petitioners are directed to furnish their Bank accounts numbers and as per directions given by Hon'ble Supreme Court of India vide order dated 16.03.2021 in ***Bajaj Allianz General Insurance Company Private Limited versus Union of India & Others,*** *Writ Petition (Civil) No.534 of 2020, the insurer shall satisfy the award by depositing the awarded amount into a bank account maintained by the Tribunal by RTGS or NEFT.*"

3. Learned counsel for the petitioners has argued that petitioners moved an application for release of amount of two FDRs, both dated 15.12.2022, amounting to Rs.17,13,799/- each, lying deposited with the bank, on the ground that house of the petitioners is in dilapidated condition. The petitioners started raising construction. Half of the construction has been completed but due to lack of funds, they could not complete it and require the amount of FDRs for further construction of their house but the learned Tribunal dismissed the application. It is further submitted that since the petitioners are in need of money lying in the FDRs, so they are entitled to get the same released.

4. I have heard submissions of learned counsel for the petitioners and have also gone through the record.

5. Learned counsel for the petitioners has fairly admitted that appeal has been filed for enhancement of amount of compensation but this portion of the Award has not been challenged. Thus, no appeal has been filed against the aforesaid Award challenging the order passed by the Tribunal qua deposit of 50% amount of compensation in the FDRs for three years. When a part of the Award has not been challenged, then no application can be moved for changing the conditions mentioned in the Award. Moreover, learned Tribunal dismissed the application on the ground that except the averments of the petitioners, there is no material on the file to support the said stand.

6. Keeping in view the fact that part of the amount of compensation has been kept in the FDRs for a period of three years for utilization of the petitioners at that stage. Although appeal is filed for enhancement but condition to deposit 50% of the awarded amount in FDR is not challenged. So, the present petition is without any merit and the same is hereby dismissed in limine.

7. Pending applications, if any, shall stand disposed of along with this judgment.

November 28, 2023 **(GURBIR SINGH)**
monika **JUDGE**

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