

2024:PHHC:126367



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

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CR-160-2024 (O&M)
Date of decision: 24.09.2024

Ankit Saharan and others

...Petitioners

Versus

Hawa Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Naveen Siwach, Advocate for
Mr. K.S. Dhanora, Advocate for the petitioners
(through video conferencing).

VIKAS SURI, J.(Oral)

1. Challenge in this petition under Article 227 of the Constitution of India is to the order dated 08.11.2023 (Annexure P-2) whereby the application filed by the petitioners for releasing the amount deposited in the form of FDRs, has been dismissed.

2. Learned counsel for the petitioners would submit that motor vehicle accident had claimed the life of the son and father of the applicants and claiming compensation on account of that unfortunate incident, they had approached the learned Motor Accidents Claims Tribunal, Hisar.

3. Vide award dated 12.05.2023, the Tribunal awarded an amount of Rs.23,09,000/- as compensation on account of death of Sahab



Singh along with interest @ 7% p.a. from the date of filing of claim petition till its realization. The awarded amount was apportioned between the claimants whereby 40% was to be paid to the widow and 20% each to the remaining claimants being two sons and mother of the deceased; 50% of the aforesaid amount was to be paid to them in their saving account and the remaining 50% amount was to be deposited in fixed deposit for a period of 18 months.

4. Seeking release of the amount deposited in the form of FDRs, the mother and two sons of Sahab Singh moved an application before the Tribunal, which has been dismissed vide impugned order dated 08.11.2023.

5. Aggrieved by the aforesaid, the present petition has been filed assailing the said order.

6. Learned counsel for the petitioners submits that the mother of the deceased, namely, Krishna, is over 59 years of age and is mature enough to handle her finances to look after her family after the death of his son. She is also the eldest surviving member of the family. Reliance has been placed upon decision of the Supreme Court in ***H.S. Ahammed Hussain vs. Irfan Ahammed***, 2002 (3) RCR (Civil) 563, to contend that in the case of mother of deceased, it would not be appropriate to direct deposit of the amount of compensation in fixed deposit.

7. I have heard learned counsel for the petitioners and perused the impugned order as well as the paper book.

8. It transpires that the Tribunal has taken note of the fact that



no document has been placed on record to substantiate the grounds raised in the application i.e., petitioner Krishna is an old lady and requires money for her treatment and medicines, whereas petitioner Ankush requires money for payment of fee and rent of Paying Guest (PG). The Apex Court in ***H.S. Ahammed Hussain's case*** (supra) held as under:-

“8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit in a nationalised bank. In the facts and circumstances of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalised bank. In case the amounts have not been already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

9. During the course of hearing, learned counsel for the petitioners has not been able to point out any material to substantiate the grounds set out in the application seeking premature release of the fixed deposits with regard to claimants, Ankit and Ankush, who are aged about 23 years.

10. In the light of ratio of ***H.S. Ahammed Hussain's case***



(supra) and the mother of deceased Krishna being over 59 years of age, the present application is allowed in part. The order dated 08.11.2023 passed by the Tribunal and the award dated 12.05.2023 is modified to the aforesaid extent. The amount of compensation deposited in the form of FDR, in the name of the petitioner-Krishna, widow of Om Parkash, be released to her with upto date interest.

11. Revision petition is disposed of in the aforesaid terms.

September 24, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No