

2024.PHHC:101396



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

125

CR-1689-2024 (O&M)

Date of Decision: 07.08.2024

ASHOK

.... Petitioner

VERSUS

ANOPA RAM AND OTHERS

.... Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Mehak Ghangas, Advocate for petitioner.

ALKA SARIN, J. (ORAL)

1. The present revision petition has been preferred by one of the claimants aggrieved by the order dated 27.02.2024 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal') vide which his application for release of the compensation amount, which was directed to be deposited in an FDR vide the award dated 13.05.2022, was disposed off.

2. The Tribunal while passing the award passed the following order:

'In case of payment of compensation amount along with accrued interest, the same shall be shared equally by the claimants No.1 and 2. 50% out of awarded compensation be released in cash to them and the remaining amount along with accrued interest be kept in fixed deposits in any nationalized Bank fetching maximum interest for a

period of three years. However, the concerned Bank will not advance any loan etc. on the said FDRs. But the claimants may make an application for premature release of the amount of compensation in case of any emergency'.

Subsequently, an application was filed by the present petitioner herein for release of the amount deposited in the FDR on the ground that he requires the said amount for renovation of the house and for domestic needs. The said application has been allowed partly and 20% of the amount deposited in the FDR has been directed to be released to the petitioner. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the petitioner would contend that the petitioner is the father of the deceased, and he has three more children to look after. It is further the contention that the amount is also required for renovation of the house.

4. Heard.

5. In the present case the Tribunal has imposed a condition directing that 50% of the amount awarded to both the claimants be deposited in an FDR. It is not a case that the claimants were minors, and their shares were invested in an FDR.

6. The Hon'ble Supreme Court in the case of **H.S. Ahammed Hussain V/s Irfan Ahammed, [2002 (3) RCR (Civil) 563]** has 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 nationalized 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 nationalized 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 nationalized bank, there may be its premature withdrawal in case the parties so intend.'

7. Keeping in view the fact that the petitioner is aged about 53 years and has family responsibilities and he also requires the amount for renovation of the house, the instant petition is allowed and the impugned order passed by the Motor Accident Claims Tribunal, Panipat is set aside. The amount of compensation, qua the share of the petitioner, lying deposited in the shape of an FDR be released to the petitioner forthwith. Pending applications, if any, also stand disposed off.

07.08.2024
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*