

2024-PHHC-11 / 763

2024.PHHC.117774

2024:PHHC:117796

2024.PHHC.117782

FAO-4205-2024 (O&M)

2024:PHHC:117763



FAO-4243-2024 (O&M)

2024:PHHC:117774



FAO-4244-2024 (O&M)

2024:PHHC:117796



FAO-4260-2024 (O&M)

2024:PHHC:117782



Mr. Arshad Ali, Advocate
for the respondent-UI in FAO-4205-2024.

Mr. Ritik Mohindroo, Advocate for
Ms. Ruchita Garg, Advocate
for the respondent-UI in FAO-4243-2024.

Ms. Ayushi Sharma, Advocate
for the respondent-UI in FAO-4244-2024.

Mr. Ritik Mohindroo, Advocate for
Ms. Bhawna Thakur, Advocate
for the respondent No.1-UI in FAO-4260-2024.

PANKAJ JAIN, J. (ORAL)

This order shall dispose off above mentioned four appeals.

2. These four appeals are directed against the award passed by the
Railway Claims Tribunal, Chandigarh Bench, Chandigarh.

3. The grievance of the appellants is only to the extent that the
Tribunal ought not have ordered the money to be kept in fixed deposits and
should have rather ordered release thereof.

4. Counsels for the respondent-Union of India do not have any
objection.

5. This Court while dealing with the same issue in **CR No.493-
2020** titled as **Sahjadi Khatoon & ors. vs. Union of India** vide order dated
27.01.2020 observed as under :-

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2024:PHHC:117796



FAO-4260-2024 (O&M)

2024:PHHC:117782



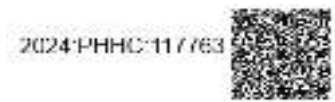
“4. To retrieve the part compensation, the earned counsel for the petitioner places reliance on Rani's case (supra). At any rate, it is well-settled in law that where the right to money is based on final decree and the original owner has the choice of appropriation of compensation in the manner he regards best in the interest of that person, the money deposited by the judgment debtor has to be handed over to the award-holder without placing any riders thereon. It is trite law that once compensation amount is awarded by the court, it should go to the claimant. No one can question a major person of sound mind entitled to an adjudicated amount of compensation in an award which has become final, suspecting how the money would be put to use by the rightful owner. This is not the business of the Tribunal. This court hopes that such litigation should not come to it again.”

6. In view of above, this Court finds that the Tribunal at the first instance ought not have raised clog over the rights of the claimants. The claimants having been awarded compensation have unfettered right to use the money.

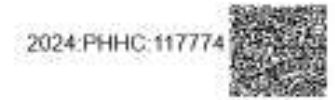
7. In view of above, the condition imposed by the Tribunal with respect to deposit of the money in the Fixed Deposit is hereby set aside. Compensation amount to the appellants along with the interest earned thereon is ordered to be released forthwith.

8. All four appeals stand disposed off accordingly.

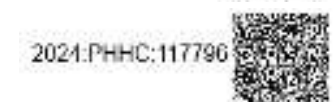
FAO-4205-2024 (O&M)



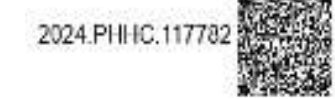
FAO-4243-2024 (O&M)



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9. Since the main appeals have been decided, pending application(s), if any, shall also stand disposed off.

10. A copy of this order be kept on the files of other connected cases.

September 09, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No