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

123 **CR-5863-2024**
Date of Decision: 16.10.2024

Varsha and another
....Petitioners

Versus

Krishan Lal and others
....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Yashveer Kharb, Advocate for the petitioners.
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<u>VIKAS SURI, J.</u>

1. The grievance raised in this petition under Article 227 of the Constitution of India is to the non-release of the full amount in Fixed Deposit Receipts (FDR) that were deposited vide order dated 11.05.2024 passed by Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal').

2. Learned counsel for the petitioner would submit that the petitioners, along with two minor children had filed a claim petition seeking compensation on account of the death of Rakesh son of Sita Ram, in a motor vehicle accident that occurred on 10.10.2023. The petitioners are the widow and mother of the deceased and are now aged about 40 and 67 years, respectively. The award passed by the learned Tribunal has since attained finality, whereby an amount of Rs.20,40,000/- was awarded as compensation along with interest @ 7% per annum from the date of institution of the claim petition till its realization. The amount of compensation apportioned to the two

minor children of the deceased was ordered to be kept in FDR in their names till their attaining the age of majority, with the stipulation that no advance or loan shall be given against the said FDR. However, the minor-claimants were entitled to receive monthly interest accrued on the said fixed deposits. Insofar as the amount of compensation apportioned to the petitioners is concerned, 50% of the amount was ordered to be paid in cash through savings bank account, while the balance was directed to be deposited in a scheduled bank in the form of FDRs for a period of five years. The Award further provided that the claimants shall be at liberty to approach the Tribunal for premature encashment of the FDRs.

3. It is further submitted that the petitioners, i.e. the widow and the mother of the deceased, moved an application seeking release of the amounts deposited in their respective FDRs. It was pleaded that petitioner No.1 (widow) required the funds to start a beauty parlour and ladies suit business, whereas petitioner No.2 sought release of the amount for her personal needs. It was further pleaded that the applicants were fully dependent upon the income of the deceased and did not have any source of income of their own. The amount earlier received from the Tribunal being 50% of the apportioned awarded amount, had already been spent in clearing the existing debts, meeting household needs and paying school fees. The said application was partly allowed by the Tribunal vide order dated 12.09.2024, whereby, it was ordered that 50% of the FDR amount in the name of petitioner No.1 (widow) and 20% of the FDR amount in the name of petitioner No.2 (mother), be released.

4. Aggrieved from the aforesaid order, the petitioners have invoked jurisdiction through the present petition, assailing the order dated 12.09.2024. Reliance has been placed upon the judgment rendered by the Hon'ble Supreme Court in ***H.S. Ahammed Hussain and another vs. Irfan Ahammed and another*, (2002) 6 SCC 52**, and the decision by a coordinate Bench of this Court in ***Ayyub Khan and another vs. Pratap Gurjar and others*, 2022(4) RCR (Civil) 463**.

5. Learned counsel for the petitioner has argued that the Tribunal has not followed the ratio laid down in ***H.S. Ahammed's case*** (supra) and ***Ayyub Khan's case*** (supra). It is further submitted that neither the age of the applicant-petitioners nor their needs for release of the amount of compensation awarded to them has been taken into consideration by the learned Tribunal.

6. I have heard learned counsel for the petitioners and with his able assistance perused the record.

7. Admittedly, the claim petition filed by the petitioners along with two minor children of the deceased was accepted by the learned Tribunal and an award dated 11.05.2024 was passed in their favour. 50% of the respective shares awarded to the claimant-petitioners was ordered to be deposited in a scheduled bank in the form of FDRs for a period of five years each. It is not in dispute that the petitioners are the rightful owners of the said amount and are ultimately entitled to its receipt. Another coordinate Bench considering a similar issue in ***Nanku vs. Union of India and others*, 2021(2) LAR 100**, referred to the judgments passed by the Apex Court, wherein it was observed that the Tribunals were mechanically directing the compensation to be kept in

long term fixed deposits without having regard to the age or fiscal background of the claimants. The learned Single Judge took note of as to how the law on this aspect has evolved. The relevant discussion in the said judgment, reads as thus:

> "4. Counsel for the appellant has also brought to the notice of this Court the judgment passed by this Court in ***FAO-2565-2017 titled Anita & others v. Union of India, decided on 03.10.2018*** wherein also similar issue had arisen. This Court had, while noticing that on an earlier occasion, in ***General Manager, Kerala State Road Transport Corporation, Trivandrum v. Mrs. Susamma Thomas AIR 1994 SC 1631,*** the Apex Court had issued directions to the Tribunals to put the awarded amount in fixed deposits.
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> 5. Thereafter, in ***A.V. Padma & others v. R.Venugopal & others 2012 (1) SCR 437,*** the said judgment had been diluted and it was noticed that Tribunals were mechanically putting compensation in long-term fixed deposits without having regard to the age or fiscal background or the strata of the society to which the claimants belong. Resultantly, the appeal was allowed and it was directed that the balance amount be released by way of RTGS transfer to the bank account of the wife of the deceased who was about 47 years of age and the appellants were also 22 and 19 yeas of age at the time of filing the claim petition in 2013 and therefore, locking of the compensation amount vide the impugned order dated 08.03.2017 was held not to be justified.
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> 6. In the present case also, the appellant is aged around 44 years and is a mature person and is entitled to utilize the sum of Rs.1,80,000/-, which is locked up and was granted to him after a 5 years long legal battle.

> 7. Accordingly, in view of the above discussion, the present appeal is allowed and the order of the Tribunal dated 17.07.2020 is modified to that extent that the amount of Rs.1,80,000/- be released by way of RTGS in the bank account of the appellant."

8. In ***Parminder Singh vs. The New India Insurance Co. Ltd.*, 2020(2) RCR (Civil) 126**, regarding the role of the Tribunal in such like cases pertaining to release of claimant's compensation amount, it was observed as under:

> "13. The Motor Accident Claims Tribunal is not a financial adviser or chartered accountant to advice a person on how one's money deserves to be spent, even if the spending spree is profligate. Due to this uncaring and irresponsible order passed by the Tribunal which is impugned, the petitioner has had to approach this Court at much time and expense spent on engaging a lawyer to represent him, which could have been easily avoided by releasing the amount to the true owner on verification of identity, without any questions asked, even on a simple application which was fortunately nictitated by an unreasonable reluctance on the part of the Tribunal to break an FDR ordered to be deposited earlier before the appeals stood exhausted up to the apex court. The Tribunal is only to satisfy itself that payment of sum awarded to claimant stands indemnified to protect insurer against double payment."

9. The view taken in ***Parminder Singh's case*** (supra) has been recently followed by another coordinate Bench in ***Satnam Kaur vs. Union of India and another*, 2023(4) RCR (Civil) 896**.

10. In the present case, the petitioners are 40 and 67 years of age,

respectively and have to also look after the welfare of the minor children of the deceased besides making a living of their own. The application moved by the petitioners for release of the amount lying deposited in the FDR was not opposed by anyone and, thus, no material has come on record to doubt the financial requirements of the petitioners. Prayer for releasing of the compensation amount by an adult claimant has already been considered by the Apex Court in ***A.V.Padma and others vs. R.Venugopal and others*, 2012 (1) SCR 437**. In the said case, the wife of the deceased was 47 years of age. In ***Nanku's case*** (supra) the appellant was 44 years of age.

11. In the premise, the instant revision petition is allowed. The petitioners are thus held entitled to receive whole of the amount that was ordered to be deposited in FDR vide award dated 11.05.2024, passed by the Tribunal. Resultantly, the Tribunal concerned is directed to release the balance amount of the FDR to the petitioners forthwith. In case any amount has already been withdrawn pursuant to the impugned order dated 24.09.2024, the remaining amount shall also be released without requiring any further application or request by the petitioners, subject to due verification of their identity. The aforesaid remittance shall, ofcourse, be made through the bank account(s) of the petitioners.

12. The revision petition is disposed of in the aforesaid terms.

(VIKAS SURI)
JUDGE

October 16, 2024
Varinder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No