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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CR-6408-2023 (O&M)****Date of Decision : 06.11.2024**

Rajbala @ Bala Devi

... Petitioner(s)

Versus

Sombir & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravi Malik, Advocate for the petitioner.

Mr. Punit Jain, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed impugning the order dated 02.08.2023 (Annexure P-3) whereby the application filed by the petitioner herein for release of the amount deposited in the FDR has been dismissed.
2. Learned counsel for the petitioner would contend that vide the award dated 18.08.2022 (Annexure P-1), 50% of the awarded amount was ordered to be deposited in the shape of an FDR for a period of three years. However, since the petitioner herein was in dire need of money, she had filed the application stating that her house was in a dilapidated condition and the amount was required for reconstruction of the house. The Tribunal vide the impugned order dated 02.08.2023 (Annexure P-3) dismissed the application holding that 50% of the awarded amount had already been released.

3. Learned counsel for respondent No.2-Insurance Company has contended that 50% of the awarded amount has already been released and, hence no fault can be found with the impugned order passed by the Tribunal.

4. In the present case, the petitioner herein is the mother of the deceased and though 50% of the awarded amount has already been released to her, however, the remaining 50% which was directed to be deposited in an FDR was also required by her for reconstruction of the house. There is no dispute regarding the fact that the petitioner is the mother of the deceased and being an adult she is capable of handling the amount. It is the specific case of the petitioner that she requires the said amount for reconstruction of the house. It is not the case where the amount which was directed to be deposited in the name of the minors is being sought to be released and it is the only amount which was awarded to her that is being sought to be released.

5. In view of the above, the impugned order dated 02.08.2023 (Annexure P-3) passed by the Tribunal cannot be sustainable in law and the same is accordingly set aside. 50% of the awarded amount, which is lying deposited in the FDR, be released to the petitioner forthwith.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

06.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO