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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6424-2024
Date of decision : 19.11.2024

Gaganpreet Singh and others

... Petitioners

Versus

Union of India

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Upender Prasher, Advocate
for the petitioners.

Mr. Rakesh Verma, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 10.04.2024 (Annexure P-3) passed by the Railway Claims Tribunal, Chandigarh Bench, vide which the application i.e., MA/126/2023 (Annexure P-2) filed by the petitioners for release of the amount of compensation awarded to the petitioners, which was ordered to be kept in fixed deposit, has been dismissed. A further prayer has been made in the present petition for issuance of direction to release the amount of compensation awarded to the petitioners which was kept in the fixed deposit.

2. Learned counsel for the petitioners has submitted that in the

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present case, vide order dated 22.12.2022 passed by the Railway Claims Tribunal, Chandigarh, the applicants-petitioners were permitted to withdraw 10% out of their respective share of the awarded compensation amount and rest of their share amount was ordered to be invested in a Nationalized Bank in term deposit for a period of three years and it was further ordered that the proportionate interest accrued upon their individual FDRs shall be paid to the applicants individually every month. It is submitted that the petitioners had filed an application for releasing the amount of compensation which was ordered to be kept in a F.D. and the said application was disposed of vide the impugned order, vide which only one of the applicant i.e., Amanpreet was permitted to withdraw 50% of his share in the awarded compensation amount and the application qua the other petitioners was dismissed primarily on the ground that they had not appeared personally in the case. Learned counsel for the petitioners has submitted that as per the law laid down by the Coordinate Bench of this Court in the case of ***Sahjadi Khatoon and others vs. Union of India, CR-493-2020 decided on 27.01.2020***, the petitioners are entitled to the receipt of the entire money to which they have been found to be entitled by the Tribunal and the petitioners cannot be deprived of the entire amount by keeping substantial part of the same in a fixed deposit. It is further submitted that the petitioners are in need of the said money, inasmuch as, they need the same for the reconstruction of their house which is in a dilapidated condition, for the maintenance of the family and also for the treatment of petitioner no.4.



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3. Learned counsel for respondent no.1 has submitted that they have no objection in case the said amount is released to the petitioners.

4. This Court has heard the learned counsel for the petitioners and has perused the paper book.

5. The Coordinate Bench of this Court in ***Sahjadi Khatoon and others's case (supra)*** has placed reliance upon the case of ***Rani and others vs. Union of India, CR-243-2020 decided on 15.01.2020*** and has observed that it is well settled law that where the right to money is based on a final decree, the original owner has the choice of appropriation of compensation in the manner he regards best in his interest. The money to which he is found entitled is to be handed over to him without placing any riders thereon and that once the compensation has been awarded, the same would go to the claimant, as no one can question a major person of sound mind as to how he would put the said money to use. The relevant portion of the said judgment is reproduced hereinbelow:-

“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.

5. *Accordingly, the claim is covered by the judgment and no 3rd party rights are involved and will be affected nor the rights of petitioners 2 to 5 since the petition is pressed only as far as the first petitioner is concerned by keeping the rights of respondents 1 to 5 as directed by the learned Tribunal.*

6. *This petition is allowed.*

7. *As a result, a direction is issued to the learned Tribunal to disburse the share of the first petitioner (Sahjadi Khatoon) alone to her bank account to be supplied by her by transfer through RTGS, within a week of presentation of a certified copy of this order after verification of credentials and acknowledgment duly signed by her and retained on case file.”*

6. The said judgment has been followed in ***FAO-4000-2024*** titled as ***“Santra & Ors. vs. Union of India” and other connected matters decided on 30.08.2024***, in which it was observed by the Coordinate Bench of this Court that the Tribunal ought not to have put clog over the rights of the claimants and that they should have unfettered right to use the money.

7. Additionally, it is pleaded that the petitioners require the money for the purpose of construction of their house which is stated to be in a dilapidated condition, for maintenance of their family and also for medical expenses of petitioner no.4.

8. Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the order dated 10.04.2024 to the extent that the amount to which petitioners no.1, 3 and 4 are entitled has not been released and also to the extent that 50% of the share of petitioner no.2 has



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Tribunal, Chandigarh is directed to issue necessary directions to the concerned Branch Manager for releasing the entire amount of compensation along with interest to the petitioners in proportion to their shares as per the award dated 22.12.2022 after taking into consideration that 50% of the share of petitioner no.2 has already been released.

(VIKAS BAHL)
JUDGE

November 19, 2024.
Davinder Kumar

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