

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

CR-7607-2023 (O&M)
Date of Decision: 29.01.2024

Dharampal and others

...Petitioners

Versus

Ankit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Pankaj Kaushik, Advocate for the petitioners.

GURBIR SINGH, J. (ORAL)

CM-23033-CII-2023

Application under Order 1 Rule 10 of CPC has been filed for impleading respondent No.4/Bank being necessary party for adjudication of the present case.

Keeping in view the averments made therein, duly supported by an affidavit, same is allowed. Union Bank, Model Town Branch, Karnal is hereby impleaded as respondent No.4. Amended memo of parties is taken on record.

Main case

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 20.10.2023 passed by the Ld. MACT, Sonapat and to direct respondent No.4 to release the complete FDR (Annexure P-1) amount in favour of the petitioner.

2. Learned counsel for the petitioners *inter alia* submits that petitioners sought a premature release of FDR on the ground of marriage of his son and also for renovation of his house. He further submits that petitioner is in dire need of money as marriage of his son was solemnized on 26.10.2023 and due to bad condition of his house, renovation is required. For this purpose he

filed claim petition under Section 166 read with Section 140 of the Motor Vehicles Act, 1988 for release of compensation amount but the Ld. MACT, Sonapat partially allowed the appeal by stating that petitioner shall be entitled to interest on the awarded amount @ 7.5 per annum from the date of filing of the present petition till its final realization. Learned counsel for the petitioner further submits that the petitioner would be satisfied if a sum of Rs.3,00,000/- be paid to the petitioner, out of the amount deposited on his name as compensation.

3. I have heard the submissions made by the learned counsel for the petitioners.

4. Since petitioner No.1 is aged about 52 years and he is in dire need of money for construction of an additional room, I am of the opinion that order dated 20.10.2023 passed by the Ld. MACT, Sonapat is hereby set aside and sum of Rs.3,00,000/- out of the amount of FDR deposited with respondent No.4/bank is ordered to be paid to the petitioners and remaining amount be kept in FDR as per the award passed by the learned Tribunal.

5. Accordingly, the present revision petition stands disposed of.

29.01.2024

Parveen kumar

(GURBIR SINGH)
JUDGE

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