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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2665/2024**

SUDHA & ORS.

..... Petitioners

Through: Mr.Palvinder Singh and
Mr.S.W.Nomani, Advocates
with petitioners in person.

versus

AMIT KHAN & ORS.

..... Respondents

Through: Ms.Vandana Kahlon and
Mr.Rudra Kahlon, Advocates
for R3 insurance company.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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27.05.2024

CM APPL. 31832/2024

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 2665/2024 & CM APPL. 31833/2024

3. The present application is moved on behalf of Smt.Sudha and Smt.Mallika assailing the order dated 01.04.2024 passed by the learned Presiding Officer, MACT-II, West, Tis Hazari Court, Delhi.
4. Learned counsel for the non-applicant/insurance company is present on advance notice. He has no objection if the application is disposed of as per law.
5. Long and short of the submission is that the total compensation of Rs.36,50,126/- along with interest @ 7% has been awarded to the petitioners till realisation.



6. Evidently, out of the total compensation Smt Sudha wife of the deceased, has been awarded a sum of Rs.18,25,108/- and Rs.3,25,108/- already stands released to her with interest while the balance is invested in the FDs. Likewise Smt. Mallika, the mother of the deceased has been awarded total compensation of Rs.3,65,022/- along with interest out of which Rs.65,022/- has been released to her with interest.

7. It appears that learned Tribunal has verified the fact that Smt.Sudha has entered into an agreement for purchase of property built up Khasra No. 4/2/2, Police Enclave, Chanchal Park, New Delhi-110041 for a consideration of sum of Rs. 23,75,000/-.

8. Although, the learned Tribunal has allowed release of Rs.12 lacs standing in the name of applicant Smt.Sudha, the request insofar as the release of amount of compensation standing in the name of Smt.Mallika, has been declined.

9. Smt.Mallika, mother of the deceased is present in Court and she submits that she has full faith in her daughter-in-law and they want to purchase the property in question.

10. That being the case, the present petition under Article 227 is allowed and the impugned order dated 01.04.2024 passed by learned Tribunal is modified to the extent that a sum of Rs.3 lacs, which is invested in the nature of FDR in the name of Smt.Mallika, be also released to her forthwith with accrued interest.

DHARMESH SHARMA, J.

MAY 27, 2024

VLD