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

+ **CM(M) 3354/2024**

**SADHNA SHARMA**

.....Petitioner

Through: **Mr. Pranaut Sharma, son**

Versus

**VINOD KUMAR**

.....Respondent

Through:

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**27.11.2024**

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**CM APPL. 69234/2024**

1. The present Application under Section 151 of the *Code of Civil Procedure, 1908* ('CPC' *hereinafter*) has been filed seeking early hearing of the main Petition.
2. It is submitted that the Petitioner is a senior citizen and is suffering from medical emergency and is in need of money, which has been kept in fixed deposit in UCO Bank, Karkardooma Court Complex, Delhi.
3. For the reasons stated in the Application, it is allowed and the main Petition is taken up for final hearing today itself.
4. The Application is disposed of.

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5. The present Petition under 227 of the *Constitution of India, 1950* has been filed challenging the Order dated 06.08.2024 passed by the



learned Tribunal *vide* which his Application for release of Rs.40 Lacs out of the deposited compensation amount, has been dismissed.

6. The *main ground* urged is that the learned Tribunal has failed to understand the medical urgency of the Petitioner. Without application of mind and considering that no purpose would be served if the money is kept in fixed deposit and not permitted to be used, it would not only cause hardship to the Petitioner but also would be of no use despite the medical urgency. The learned Tribunal has erroneously denied to release the amount of Rs.40 lacs, as requested on behalf of the Petitioner.

**7. Submissions heard.**

8. As per settlement reached before the Lok Adalat, *vide* Order dated 08.10.2023, a lump sum amount of Rs.1,04,40,000/- was awarded as compensation to the legal heirs of deceased Dev Dutt Sharma, including his wife, two daughters and a son. The son and daughters of the deceased, executed a Deed relinquishing their share in favour of their mother and the entire money has been deposited in the account of the mother.

9. Applicant/ Petitioner No.2 submitted before the learned Tribunal that because of Liver Cirrhosis with Hypertension changes, Petitioner No.1- mother has to be operated and a sum of Rs.40 Lacs is required and prayed for release of the same out of the compensation amount.

10. The learned Tribunal *vide* impugned Order dated 06.08.2024 observed that even on earlier occasion, a sum of Rs.40 Lacs had been released on 21.01.2024. However, no documentary proof of the Bills has been filed in support to explain how the said money has been utilized. Admittedly, after eight months, the second Application has been filed for



release of another amount of Rs.40 Lacs on account of treatment of Petitioner No.1- mother, who is suffering from problem of varicose Veins in both legs and liver cirrhosis.

11. The learned Tribunal has rightly observed that in the absence of any explanation of utilization of earlier Rs.40 Lacs which had been released to the Petitioner on 21.01.2024, no further amount can be released. The amount of compensation granted is intended to be released to her over a period of time for her own well being and for taking care of her needs.

12. There is no merit in the Petition, which is hereby dismissed.

13. The date already fixed i.e. 07.01.2025 stands cancelled.

**NEENA BANSAL KRISHNA, J**

**NOVEMBER 27, 2024**

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