

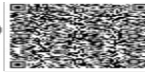
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****CR-495-2025 (O&M)****Date of decision: 27.01.2025****Surinder Kumar****...Petitioner(s)****Vs.****Raj Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Arun Chander Sharma, Advocate for the petitioner.

*********NIDHI GUPTA, J.**

The petitioner/claimant/father of the deceased, has filed the present revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 08.11.2023 (Annexure P-3) and impugned order dated 02.12.2024 (Annexure P-5), whereby applications filed by the petitioner for releasing the amount deposited in FDR No. EM/TDR/P/No.454511 with Union Bank of India, Ambala City, qua the share of the petitioner in MACP/201/2020 decided on dated 02.07.2021 by the Id. Court of MACT-Cum-Presiding Officer, Daily Lok Adalat Ambala (hereinafter referred to as "MACT"), have been dismissed.

2. Learned counsel for the petitioner submits that the petitioner is a very poor person. In dismissing the application of the petitioner, the learned MACT has totally failed to understand the condition of the petitioner. The petitioner requires urgent funds for reconstruction of his



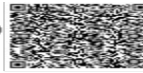
residential houses; and also for the preparation of marriage of his daughter. The petitioner is having meager resources at his disposal and is in dire need of money. The house of the petitioner is in a very dilapidated condition. Petitioner has one major daughter and 4 minor children. However, the learned MACT has failed to appreciate these facts. Accordingly, learned counsel for the petitioner prays for setting aside of the impugned orders, whereby the application of the petitioner for releasing the amount deposited in FDR, has been dismissed.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner and perused the case file in great detail.

5. Brief facts of the case are that the petitioner, his wife and their children had filed a claim petition under Section 166 of the Motor Vehicles Act (hereinafter referred to as 'the Act') on account of death of the son of the petitioner, namely, Sachin in accident involving offending motorcycle bearing registration No. HR03-Y-9635 being driven by respondent No.2. In the said claim petition, an amount of Rs.14,60,000/- was awarded to the claimants No. 1 and 2 i.e. the petitioner and his wife/parents of the deceased Sachin, on the basis of the compromise dated 02.07.2021 (Annexure P-1) effected between the parties before the Lok Adalat. Terms and conditions of the said compromise/Award (Annexure P-1) passed by the learned MACT, are as follows:-

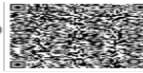
“Claimants are awarded compensation to the tune of Rs. 14,60,000/- (Fourteen Lakhs Sixty Thousand only) on account



of death of Sachin Kumar in motor vehicular accident. Claimants no.1 & 2 would be paid the whole compensation, in equal share. Out of their respective share, 50% would be given to them in cash, and 50% would be deposited in fixed deposit in any of the nationalized bank of their choice for a period of five years. The claimants shall submit the details of their bank account directly to insurance company under intimation to this court. In case, the agreed amount is not paid within 45 days, then claimants would be entitled to recover the agreed amount alongwith interest @7.5% per annum from the date of petition".

6. Despite the categoric writing in the above Award/agreement between the parties to the effect that 50% of the awarded amount would be deposited in FDR for a period of five years, the petitioner filed an application dated 29.05.2023 (Annexure P-2) before the learned MACT seeking to encash the entire amount of the FDR on the ground that the petitioner had to reconstruct his own residential house. The said application was dismissed by the learned MACT vide order dated 08.11.2023 (Annexure P-3).

7. Now the petitioner has filed the second application dated 18.03.2024 (Annexure P-4) again seeking premature withdrawal/release of the FDR on the ground of reconstruction of his residential house; and this time additional ground has been taken that he has to get his daughter married. Vide the impugned order dated 02.12.2024 (Annexure P-5), the said application of the petitioner has been dismissed by the learned MACT



with the following observations as reproduced from order dated 08.11.2023:-

"After having gone through the contents of the award, it is apparent that till date legality of it is intact, which was passed on the basis of compromise arrived at. If it was passed based on compromise, both parties are bound to follow its terms and conditions in entirety, moroso, when Tribunal had passed Award on the basis of the same. Infact, if claimants had any requirement to get the conditions made therein changed i.e to give some part in cash or to deposit some part in FDR for a particular period, they should have had approached the Tribunal there and then. Once, they accepted the contents of the award in question passed, none of them can be permitted to get its conditions revised. Moreover, whenever any Tribunal passes directions to deposit some part of the award amount in FDRs, it is done in compliance of repeated directions passed by Hon'ble High Court and Hon'ble Apex Court. Hence, any directions passed by Hon'ble High Court and Hon'ble Apex Court, if followed in the award, it cannot be changed just on the asking of the party. With these observations, application at hand stand dismissed being devoid of merit. Papers be tagged with main file. File be consigned to record room after due compliance."

8. I am in complete agreement with the above said observations as made by the learned Tribunal in order dated 8.11.2023; and followed in the subsequent impugned order dated 2.12.2024. Admittedly, the FDR in question was for the period of 5 years as per the terms and conditions of the compromise which were made with the consent of the petitioner and



claimant No.2. At present, out of the said period, only 3 years and 6 months have expired. Admittedly, an amount of ₹ 7.5 lakhs already stands released to the petitioner and his wife. No cogent ground has been made out for premature release of the remaining amount. As such, I find no infirmity in the impugned orders dated 08.11.2023 and 02.12.2024 (Annexure P-3 and Annexure P-5 respectively).

9. The present civil revision petition is hereby **dismissed**.

10. Pending application, if any, stands disposed of.

27.01.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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