

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****130****CR-664-2025 (O&M)****Date of decision: 03.02.2025****Suman and another****...Petitioner(s)****Vs.****Pawan and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Neeraj Yadav, Advocate for the petitioners.

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

The present civil revision petition has been filed under Article 227 of the Constitution of India by the Claimants for setting aside the order dated 08.11.2024 (Annexure P-1) passed by the Id. MACT Rewari, whereby the application filed by the petitioners for releasing the FDRs has been rejected.

2. Learned counsel for the petitioners submits that vide Award dated 21.02.2021 passed by the learned Additional District and Sessions Judge at Rewari, the petitioners had been granted compensation of Rs.17,00,260/- alongwith interest @ 7% per annum from the date of filing of the petition till realization. The said amount was made payable by respondents No. 1 to 3 jointly and severally. It is submitted that as per the terms and conditions of the said Award, 50% of the compensation amount was to be paid to the petitioners; and the remaining 50% shall be deposited



in the FDRs to be opened in their names in some nationalized bank for a period of three years fetching maximum rate of interest.

3. Learned counsel submits that the petitioners are the poor ladies and they require the remaining compensation amount for their family function and daily needs. It is the own money of the petitioners. Accordingly, it is prayed that the impugned order dated 21.02.2024 be set aside; and the remaining amount of the Award, borne in the FDR be released to the petitioners.

4. No other argument is raised on behalf of the petitioners.

5. I have heard learned counsel for the petitioners and perused the case file in great detail.

6. Brief facts of the case are that the petitioners alongwith one other claimant had filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'), which was allowed by learned MACT at Rewari vide Award dated 21.02.2024 (Annexure P-2); and the compensation of Rs.17,00,260/- was awarded to the three claimants alongwith interest @ 7% per annum. The said compensation was to be disbursed in the following manner:-

“Out of the compensation amount, 40% shall be paid to petitioner No.1 Suman, the widow of the deceased and 30% each shall be paid to petitioners No. 2 & 3 in equal share. On realization of the amount, fifty per cent amount of the share of petitioners shall be paid/deposited in bank account of the petitioners and remaining fifty percent amount of their share shall be deposited in the FDRs to be opened in their names in



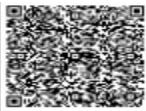
some nationalized bank for a period of three years fetching maximum rate of interest.”

7. The petitioners had then filed the present application dated 13.08.2024, before the learned MACT, Rewari seeking release of the remaining share of 50% which was deposited in the FDRs on the ostensible ground that the petitioner No.1 was having urgent need and necessity of the amount as she had to give ‘chuchak’ to her daughter Laxmi/petitioner No.2. Vide the impugned order dated 08.11.2024 (Annexure P-1), the learned MACT, Rewari dismissed the said application of the petitioners on the following grounds:-

“3. It is worth mentioning that the present award has been passed on 21.02.2024 itself. Moreover, it is a matter of common knowledge that ‘chuchak’ is given on the birth of the child and approximately two years have elapsed since the birth of the child and there seems to be no reason that ‘chuchak’ is to be given in the year 2024. So, as such, this state of affair nowhere reveals that there is urgent need of money for giving ‘chuchak’.

4. It is also worth mentioning that the amount of share of Kishmat in FDR was already directed to be released vide order dated 29.10.2024 on account of his marriage. As such, there seems to be no emergent need for releasing the amount of the share of Laxmi and Suman.”

7. From the above it is clear that the petitioners are resorting to obscure and patently untruthful reasons in order to secure the release of the awarded amount. No valid reason has been cited by the petitioners to



justify the release of the FDR amount. Only a vague reason has been given in para 5 of the present petition that “*the petitioners are in need of money for their family function and their daily needs.*” No cogent ground has been made out for premature release of the remaining amount. As per the Award dated 21.02.2024 passed by learned MACT, Rewari the FDRs in question were to be held for the period of 3 years. At present, out of the said period, only 11 months have expired. The amount of share of the 3rd claimant Kishmat in FDR was already directed to be released vide order dated 29.10.2024 on account of his marriage. No ground let alone emergent ground has been shown by the petitioners to allow them to withdraw the amount deposited in the FDRs. As such, I find no infirmity in the impugned order dated 08.11.2024 (Annexure P-1).

9. The present civil revision petition is hereby **dismissed**.
10. Pending application, if any, stands disposed of.

03.02.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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