

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.2270 of 2022

Date of Decision : 01.06.2022

Ayyub Khan and Anr.

....Petitioners

VERSUS

Pratap Gurjar and Ors.

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munfaid Khan, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

The limited challenge to the order dated 23.09.2021 passed by the Motor Accident Claims Tribunal, Palwal (hereinafter referred to as the 'Tribunal') is to the extent whereby the Tribunal has directed 50% of the compensation awarded to be deposited in fixed deposits. The further challenge is to the order dated 12.05.2022 dismissing the application filed by the petitioners for release of the amount directed to be deposited in the FDRs.

Learned counsel for the petitioners would contend that the petitioners lost their son namely, Sakir, in a motor vehicle accident. The Tribunal awarded a total amount of Rs.11,18,272/- along with interest @ 7.5% per annum from the date of filing of the claim petition till its realization. However, it was further directed that on realization of the awarded amount together with the interest, the same shall be shared equally by the claimants and 50% of the amount of the share of the claimants was directed to be paid in cash to them whereas remaining 50% was directed to be deposited in a FDR in a nationalized bank in their names for a period of three years.

Learned counsel for the petitioners would contend that both the petitioners are over 40 years of age and have three other children to look after and hence the money is urgently required by them. In support of his contention, he relies on judgment of the Hon'ble Supreme Court in **H.S. Ahammed Hussain vs. Irfan Ahammed, [2002(3) RCR (Civil) 563]** to contend that in the case of an adult it would not be appropriate to direct the deposit of the amount of compensation in a fixed deposit.

I have heard learned counsel for the petitioners.

In the present case, the claimant-petitioners are the parents of the deceased who are wanting the release of the amount which has been awarded to them but 50% of the awarded amount has been directed to be deposited in FDRs. It is contended by the learned counsel for the petitioners that the petitioners require the amount for taking care of their three other minor children and in support of his contention learned counsel for the petitioners has relied upon a judgment by the Hon'ble Supreme Court in **H.S. Ahammed Hussain's case (supra)** wherein it has been held as under :

“8. Learned counsel for the appellant lastly submitted that the amount of compensation payable to mothers of the victims should not have been directed to be kept in fixed deposit in a nationalised bank. In the facts and circumstances of the present case, we are of the view that the amount of compensation awarded in favour of the mothers should not be kept in fixed deposit in a nationalised bank. In case the amounts have not been

already invested, the same shall be paid to the mothers, but if, however, invested by depositing the same in fixed deposit in a nationalised bank, there may be its premature withdrawal in case the parties so intend.”

Keeping in view the law laid down in the above referred case as well as the fact that the petitioners are over 40 years of age and have also three other minor children to look after, the present petition is allowed. The order dated 12.05.2022 passed by the Tribunal is set aside and the award dated 23.09.2021 is modified to the said extent. The amount of compensation lying deposited in the shape of FDRs be released to the petitioners forthwith.

Disposed off in the above terms. Pending applications, if any, also stand disposed off.

01.06.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO