
(2002) 08 KAR CK 0031

In the Karnataka High Court

Case No : Civil Revision Petition No. 3578 of 2000

Chandramma

APPELLANT

Vs

Ramachandra and Others

RESPONDENT

Date of Decision : 14-08-2002

Acts Referred:

Citation : (2002) ILR (Kar) 4612 : (2002) 6 KarLJ 212 : (2002) 4 KCCR 2650

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Mari Gowda, for the Appellant; A.M. Venkatesh, for Respondent-3 and A.N. Krishnaswamy, for Respondent-5, for the Respondent

Final Decision : Allowed

Judgement

V. Gopala Gowda, J.—In this revision petition the order passed by the Motor Accidents Claims Tribunal, rejecting the application of the petitioner to release the amount in deposit is questioned.

2. The amount in deposit is Rs. 54, 750/-. The Tribunal rejected the application on the ground that the amount is kept in deposit with a view to give perennial income to the petitioner and the said amount cannot be diverted. Another ground on which the application was rejected is that same quantum of amount was released on 19-7-1996.

3. The reasons assigned by the Tribunal for rejecting the application are totally untenable. The petitioner underwent kidney operation for which she has raised loans. Bills amounting to about Rs. 49,000/- have been produced before me in proof of the treatment taken. In such a distress condition the petitioner sought release of the amount in deposit. When the petitioner is struggling for life and money for treatment, amount in deposit will not come to her rescue unless it is released. No purpose would be served by keeping the amount in deposit when the petitioner is struggling for life. The compensation amount awarded would become futile if the life of the petitioner finds an end without utilisation of the

said amount.

4. The Tribunal has failed to take note of the factual situation and reality of life. The rejection of the application is contrary to the guidelines laid down in the decisions of Lilaben Udesing Gohel, Shyamala Shashidharan Nayyar and Others, Pramilaaben Narendra Bhai Patel and Others, Ramabhai Shankarbhai Chavda, Lilaben and Others, Kantaben Anil Kumar Patel and Others, Motor Vahan Durghatna Sanghathan, Nadiad and Others and Shardaben Chandubhai Patel and Others Vs. Oriental Insurance Company Ltd. and Others, Hemraj Loduram Rajpur and Another, Nandubhai Ambalal Thakkar and Others, Ganibhai Ambabhai Vora and Another, Kaji Gulam Nabi Sheikh and Others, Gujarat State Road Transport Corpn. and Others, State of Gujarat and Others and Bachusha Dadusha and Others, and Mabu Sab Vs. M/s. United India Insurance Company Limited, Bellary, . In those decisions it is held that the right of the claimant is not taken away to withdraw the amount in fixed deposit and the amount belongs to the claimant and the fixed deposit shall not be for all times.

5. The revision petition is allowed and the order under revision is set aside. The application of the petitioner is allowed directing the Tribunal to release the amount in deposit to the petitioner.