
(2011) 03 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : CR No. 1526 of 2011

Mrs. Sarabjit Kaur

APPELLANT

Vs

The Motor Accident Claims Tribunal and Others

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2011) 03 P&H CK 0019

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Judgement

Jaswant Singh, J.—Prayer in the present revision petition under Article 227 of the Constitution is to direct the Motor Accident Claims Tribunal, Chandigarh/State Bank of Patiala, District Courts Branch, Sector 17, Chandigarh to release the share of the Petitioner deposited vide FDR No. 630059.

2. For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the Respondents as the same would unnecessarily delay the disposal of the present revision petition and otherwise also no relief has been claimed against the Respondents.

3. Gurdev Singh-husband of the Petitioner died in a motor vehicular accident that took place on 26.12.2003. She along with her minor children filed a claim petition before the learned Motor Accident Claims Tribunal. The said claim petition was allowed by the learned Tribunal vide award dated 11.10.2005 and the Petitioner along with other claimants were held entitled to a compensation of Rs. 5,76,000/- along with interest @ 9% p.a. Out of the said compensation of Rs. 5,76,000/- the Petitioner was held entitled to a share of Rs. 2 lacs. It was further directed by the learned Tribunal that out of the awarded amount of Rs. 2 lacs to the Petitioner, Rs. 1 lac shall be deposited in the fixed deposit in her name in a nationalised bank for a period of three years which shall be renewed from time to time during her life time and she shall be entitled to receive the quarterly interest accrued thereon. It is in this backdrop that the Petitioner claimant has

filed the present revision petition.

4. It is submitted by the learned Counsel that since the Petitioner is a major, the condition of keeping Rs. 1 lac in fixed deposit during her life time is totally illegal and unwarranted and liable to be set aside.

5. After hearing the learned Counsel for the claimant/Petitioner I am of the opinion that the prayer made is liable to be accepted in view of the law laid down by Hon''ble the Supreme Court in H.S. Ahammed Hussain v. Irfan Ahammed 2002 (3) RCR 563 wherein it has been held that the amount payable to an adult cannot be directed to be kept in fixed deposit.

6. Keeping in view the enunciation of law as referred to above, the present revision petition is allowed and the condition imposed in para 12 of the award dated 11.10.2005 that out of the awarded amount of Rs. 2,00,000/- to claimant No. 1 Rs. 1,00,000/- be also deposited in the fixed deposit in the name of claimant/Petitioner in a nationalised bank initially for a period of three years which shall be renewed from time to time during her life time and she shall be entitled to receive the interest accrued thereon every quarter, is modified to the extent that the Petitioner shall be at liberty to get the amount released from nationalised bank in case of need and necessity.

Disposed of.