

(1998) 03 P&H CK 0068
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1355 of 1998

Som Nath and Others

APPELLANT

Vs

Motor Accident Claim Tribunal and Others

RESPONDENT

Date of Decision : 30-03-1998

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (1999) ACJ 1593 : (1998) 120 PLR 351 : (1998) 2 RCR(Civil) 579

Hon'ble Judges : N.K. Sodhi, J

Bench : Single Bench

Advocate : R.S. Longia, for the Appellant; None, for the Respondent

Final Decision : Allowed

Judgement

N.K. Sodhi, J.—Rajesh Kumar who was unmarried died in a motor accident on 24.12.1994. His parents along with their two minor

children filed a claim petition u/s 166 of the Motor Vehicles Act before the Motor Accident Claims Tribunal, Kurukshetra who as per award dated

17.9.1996 awarded a sum of Rs. 1,56,000/- as compensation alongwith interest thereon to all the claimants including the two petitioners herein.

The share of the two petitioners was apportioned at Rs. 60,000/- each. The Tribunal ordered the entire amount to be placed in a fixed deposit in a

Nationalised Bank. I am informed that the amount has been deposited with the Punjab National Bank, Pipli Branch, Pipli, District Kurukshetra.

The two petitioners filed an application before the Tribunal for the release of their share on the ground that the money was required by them to

discharge the loans taken by the deceased and also for the engagement of their unmarried daughter. This application was declined by the Tribunal

as per order dated 3.1.1998. It is against this order that the present revision

petition has been filed.

2. Having heard counsel for the petitioners and after going through the impugned order, I find that the petition deserves to succeed. It is stated that

the amount is required by the petitioners for discharging the loans of the deceased and also the loan taken for performing the engagement of the

unmarried daughter of the petitioners. These averments are supported by an affidavit. This being so, there is no reason why the amount awarded

by the Tribunal to the two petitioners be not released to them.

3. Consequently, the impugned order dated 3.1.1998 is set aside and the revision petition allowed. The Punjab National Bank, Pipli Branch, Pipli,

District Kurukshetra is directed to release the share of the two petitioners forthwith along with interest thereon.