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(2010) 02 P&H CK 0348

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Tarun Chabbra		APPELLANT
	Vs	
Motor Accident Claims Tribunal and Others		RESPONDENT

Date of Decision: Feb. 26, 2010

Citation: (2010) 159 PLR 359

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Final Decision: Allowed

Judgement

L.N. Mittal, J.

Claim petition filed by the petitioner and other claimants was disposed of by Motor Accident Claims Tribunal, Karnal (in short -Claims Tribunal), vide Award dated 21.11.2003. It was ordered that the amount of compensation awarded to claimants be deposited in fixed deposits in their names in nationalized bank for two years or till the minor claimants attain the age of majority, whichever is later and in case of major claimants, for a period of two years. Accordingly, compensation amount of the share of petitioner was deposited in fixed deposit dated 04.06.2004, since the petitioner was minor at that time. The petitioner attained the age of majority on 31.12.2009, his date of birth being 31.12.1991. Thereupon, the petitioner moved application before the Claims Tribunal, for release of the amount of his fixed deposit. Learned Claims Tribunal, vide impugned order dated 01.02.2010 (Annexure P-2), has dismissed the said application. Feeling aggrieved, the petitioner has filed instant revision petition.

2.I have heard Learned Counsel for the petitioner and perused the case file.

3. As noticed herein above, vide Award of the Claims Tribunal, compensation amount of the petitioner, being minor claimant, was to remain in fixed deposit for two years or till he attained the age of majority, whichever was later. The amount

was deposited in fixed deposit on 04,06.2004 and thus, it remained lying in the fixed deposit for more than 5-1/2 years, till the petitioner attained the age of majority. However, in-spite thereof, the learned Claims Tribunal, for strange reasons, has declined to release the amount of fixed deposit to the petitioner, observing that the alleged necessity of the petitioner for higher education is not substantiated by any document. This approach of the Claims Tribunal is patently illegal and unsustainable. As per Award, the amount has to be released to the petitioner on attaining age of majority, even if he had no immediate necessity for the amount, because it belongs to the petitioner himself. Moreover, the petitioner even stated that he needed the amount for his higher education, which cannot be said to be a false claim.

4. In view of the aforesaid, the instant revision petition is allowed and impugned order dated 01.02.2010 (Annexure P-2), passed by the Claims Tribunal, is set aside. Amount of the fixed deposit of the petitioner including accrued interest amount is ordered to be released to the petitioner.