

**(2011) 11 P&H CK 0207**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** CR No. 5090 of 2011

Smt. Asini

APPELLANT

Vs

Rajender Singh and others

RESPONDENT

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**Date of Decision:** Nov. 9, 2011

**Acts Referred:**

- Constitution of India, 1950 - Article 227
- Motor Vehicles Act, 1988 - Section 166

**Hon'ble Judges:** Jaswant Singh, J

**Bench:** Single Bench

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**Judgement**

Jaswant Singh, J.

Smt.Asini-mother of the deceased Javed, who had died in a motor vehicular accident, has filed the present revision petition under Article 227 of the Constitution against the order dated 19.5.2011 (P2) whereby the learned Motor Accident Claims Tribunal, Palwal (for short the Tribunal) has ordered to release only 50% of the amount of compensation lying deposited in the FDR in the name of the petitioner/claimant.

2. It is stated that after the death of Javed in a motor vehicular accident, petitioner-mother of the deceased alongwith other claimants had filed a petition under 166 of the Motor Vehicles Act for the grant of compensation. The learned Tribunal vide order dated 24.7.2010 had awarded a total sum of Rs.4,37,000/-as compensation and out of which Rs.2 lacs were awarded to the petitioner. It was ordered that 50% of the amount awarded to the petitioner be released to her and the remaining 50% was directed to be deposited in Fixed Deposit Receipt.

3. It is further submitted that the applicant had moved an application dated 11.5.2011 for release of the entire amount of compensation awarded to her in view of the expenses incurred on the marriage of her daughter. It is apparent that the learned Tribunal vide order dated 24.7.2010 has only directed release of 50% of the

awarded amount and the remaining 50% was directed to be deposited in FDR.

4. Learned counsel for the petitioner submits that the petitioner-applicant being an adult and also having shown the requirement for release of entire amount, the learned Tribunal has committed illegality in rejecting the prayer of the petitioner for release of entire amount in view of the law laid down by Hon"ble the Supreme Court in H.S.Ahammed Hussain v. Irfan Ahammed, 2002 (3) RCR (Civil) 563.

5. Heard learned counsel for the petitioner.

6. Keeping in view the enunciation of law as referred to above and further coupled with the need of the petitioner as detailed hereinabove, the impugned order dated 19.5.2011 passed by learned Tribunal is modified to the extent that the entire amount of compensation falling to the share of the petitioner, who is a major shall be released to her.

7. This order is being passed without issuing notice to the respondents, as no relief has been sought against them.

8. Disposed of in the above terms.