

Raj Kumar Vs. Aval and ors.

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Court : Punjab and Haryana

Decided On : Feb-04-2003

Reported in : 2004ACJ1922; (2003)134PLR323

Judge : Nirmal Singh, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 161

Appeal No. : Civil Revision No. 575 of 2003

Appellant : Raj Kumar

Respondent : Aval and ors.

Advocate for Pet/Ap. : Mahavir Sandhu, Adv.

Disposition : Petition allowed

Judgement :

Nirmal Singh, J.

1. The petitioner met with a road accident and was seriously injured and got multiple fractures. The petitioner filed claim petition before the Motor Accident Claims Tribunal (hereinafter called the Tribunal) under Section 166 of the Motor Vehicles Act, 1938 for grant of compensation on account of the injuries suffered by him. During the pendency of the claim petition, a compromise was effected

between the parties. The respondents agreed to pay Rs. 85,000/- in favour of the claimant. This amount is to be paid by the Insurance Company-respondent No. 3 in full and final settlement of the claim. The learned Tribunal directed respondent No. 3 to make the payment within 60 days from the date of passing of the award and further ordered that the amount shall be deposited in a Nationalised Bank in fixed deposit for a period of five years. The only grouse of the petitioner is that the learned Tribunal had erroneously ordered to deposit the amount of compensation in fixed deposit for 5 years whereas the money was required for his treatment from P.G.I. Chandigarh as an outdoor patient vide C.R. No. 703270. In this way the petitioner has incurred huge amount on his treatment and on special diet.

2. I have given my thoughtful consideration to the submissions made by the counsel for the petitioner and find force in it.

3. The petition is disposed of without issuing notice to the respondents as it is not required. Taking into consideration the averments made in this petition and the circumstances of the case, I am of the considered opinion that the order of the learned Tribunal declining to release the amount of compensation lying in fixed deposit for 5 years is palpably erroneous. They petitioner is neither minor nor insane that the money paid to the petitioner will be misappropriated. The petitioner is in dire need of money as he is to get himself treated and he also required special diet etc. So, applying the ratio of the case titled H.S. Ahammed Hussain v. Irfan Ahammed, (2002-3)132 P.L.R. 297 (S.C.), the Tribunal is directed to pass an order for the pre-mature release of the amount lying in the FDR in favour of the petitioner which is lying in the Punjab and Singh Bank Branch at Cloth Market, Ambala City under proper receipt and identification.

4. With this direction, the petition stands disposed of.