

Chhaju Ram & Ors. Versus Kuldeep Singh & Ors.

Present: Applicant-claimants Chhaju Ram and Mahindero Devi in person, assisted by Shri Kunal Moudgil, Advocate.

Office report perused. Joint statement of applicant-claimants Chhaju Ram and Mahindero Devi with regard to pre-mature release of their FDRs has also been recorded separately.

Heard on the application moved by applicants seeking permission to pre-mature release of their entire FDRs standing in their names, inter-alia, pleading that they had been awarded compensation to the tune of ₹ 5,82,800/- along with interest @ 7.5% p.a., on account of death of their son Tidesh Kumar in a Motor Vehicular Accident, vide Award dated 23.08.2017 passed in claim petition bearing CIS No.MACP/14 of 2017 from the date of filing of the petition till realization of compensation amount; that out of the compensation amount, 25% of the amount of share of both the claimants was ordered to be paid to them in cash and rest of their amount was ordered to be deposited in fixed deposit as fully depicted in para No.46 of the award.

Now by way of this application, it is pleaded by applicants that they want to set up business of their permanent handicapped son for earning his livelihood and thus, in dire need of money. They also submitted that except the amount of FDRs, they have no other source of income to meet out their above demand.

In support of pleaded facts and urgency, joint statements of applicants has been recorded separately in which they reiterated their stand as mentioned in application.

Report of Ahlmad taken, who reported that there is no stay in the present case from the Hon'ble High Court.

Keeping in view the above need of the applicant-claimants and also in view of the directions issued by the Hon'ble High Court in **Civil Revision No.6478 of 2016**, titled as '**Sapna and another Vs. Lajpat Rai and others**' and relying upon the ratio of Hon'ble Supreme Court titled as **H.S.Ahammed Hussain Vs. Irfan Ahammed, 2002(3) RCR (Civil) 563**, wherein it has been observed that amount of major claimants should not be kept in FDRs as same resulted into prolonging of the agony of untimely demise of their ward and as well as incurring of litigation expenses and finding it a case of utmost necessity, the application in hand is allowed partly because they do not detail that for how much amount, they want to start the business of their handicapped son. Nonetheless, keeping in their joint statement, since they want to set up business of their handicapped son Subhash, therefore, it will be appropriate, if FDR of Chhajju Ram bearing Customer ID No.70184191, having TDR No.0109014 be released in favour of applicant-claimants against receipt and proper identification, as per rules, in order to meet out their above need. Ordered accordingly. Necessary intimation be sent to the concerned Manager for compliance. Dasti order be given if desired. Papers be tagged with the execution file and after that the execution file be tagged with the main case file.

Pronounced in open Court on
this 20th day of January, 2018.
Jaiveer

(Ritu Tagore)
Motor Accident Claims, Tribunal,
Panchkula.
UID Number HR- 0029