

**In the High Court of Punjab & Haryana at Chandigarh**

**FAO No. 2168 of 2008 (O&M)**

**Date of decision:                July 31, 2008**

Ambika Khullar

... Appellant

versus

Savita Rana and others

... Respondents

**Coram:     Hon'ble Mr. Justice A.N. Jindal**

Present:     Mr. Jaideep Verma, Advocate  
                  for the appellant.

**A.N. Jindal, J (Oral)**

Arguments heard.

The deceased, aged about 32 years, was working as Lecturer in Government Polytechnics College for Women, Ropar. After assessing his income as Rs.15,500/- per month, his own dependency was assessed at Rs.7750/-. Hence, after applying the multiplier of 17, compensation to the tune of Rs.15,79,000/- along with interest @ 7.05% per annum was awarded to the claimants. The compensation was divided amongst the petitioners in the following manner :

Sh.S.R. Khullar, Petitioner No.1	-	Rs.2,50,000/-
Smt. Raj Rani, Petitioner No.2	-	Rs.2,50,000/-
Smt. Ambika, wife of the deceased	-	Rs.10,79,000/-

However, a rider was placed that Ambika could not withdraw the said amount for a period of 5 years and the same will be deposited in the nationalized bank in the fixed deposit and she could withdraw the same with the permission of the Court for legal necessity and she will not not take any loan against the said FDR. However, she would be at liberty to withdraw the interest accrued thereupon each month for her subsistence.

Though the Motor Accident Claims Tribunal, Chandigarh had assessed the dependency on the higher side, yet, after deducting the income tax payable by him, the actual income which was to be received by the legal

representatives of the deceased was not more than what has been assessed by the Tribunal and no grounds for enhancement could be detected.

Having examined the rider, it may be observed that the appellant, an educated lady being a teacher, know her well being and take care of the money which has now become her asset, therefore, such harsh condition as imposed upon by the Tribunal need be relaxed and she could withdraw the amount of compensation at any time after seeking permission from the court by proving legal necessity and she could also take loan against the FDR if she so desired.

With these observations, the appeal is dismissed.

**July 31, 2008**  
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**(A.N. Jindal)**  
**Judge**