
(2012) 07 RAJ CK 0086

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4217 of 2012

Kishore Singh and Another

APPELLANT

Vs

Motor Accident Claim Tribunal, Udaipur and Others

RESPONDENT

Date of Decision : 10-07-2012

Acts Referred:

Citation : (2013) 2 CDR 770

Hon'ble Judges : Gopal Krishan Vyas, J

Bench : Single Bench

Advocate : R.S. Mankad, for the Appellant;

Judgement

Gopal Krishan Vyas, J.—Instant writ petition has been filed by the petitioners to challenge order dt. 31.01.2012 (Annex.-5) passed by the Motor Accident Claim Tribunal, Udaipur whereby application filed by the petitioners for releasing the amount kept in FDR in pursuance of the judgment and award decided on 14.01.2011 by the Lok Adalat, by which, amount of Rs. 4,60,000/- as compensation was allowed, out of which, amount of Rs. 80,000/- was awarded in favour of petitioner No. 1 Kishore Singh and Rs. 1,05,000/- awarded in favour of petitioner No. 2 Smt. Laxmi, father and mother of the deceased son. Out of the amount which is awarded in favour of the petitioners, sum of Rs. 30,000/- was paid to them in cash and Rs. 50,000/- were deposited in FDR in the name of petitioner No. 1 and Rs. 75,000/- deposited in FDR in the name of petitioner No. 2.

2. An application has been filed by the petitioners for releasing both the FDRs for which it is prayed that Bank of India, Udaipur Branch may be directed to pay the amount for the purpose of solemnizing marriage of their son Hari Singh, In the application, it is stated that marriage of their son is going to be solemnized on 18.02.2012; meaning thereby, the marriage has already been solemnized. Therefore, at this stage, although the requirement of releasing the amount of the FDR is not in existence but the reason for releasing the amount seems to be justified In the interest of justice, therefore, the order passed by the Motor

Accident Claim Tribunal is hereby modified and application filed by the petitioner for releasing the amount of compensation kept in the FDR is partly allowed. It is ordered that half of the amount of both the FDRs may be released in favour of each of the petitioners while retaining rest half in each FDR for five years.