

(2019) 03 RAJ CK 0175
In the Rajasthan High Court
Case No : Civil Writ No. 3688 Of 2019

Satnam Singh

APPELLANT

Vs

Motor Accidental Claim Tribunal-I, Jodhpur

RESPONDENT

Date of Decision : 15-03-2019

Acts Referred:

Citation : (2019) 03 RAJ CK 0175

Hon'ble Judges : Dr. Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Brijesh Purohit, Devendra Sanwalot

Final Decision : Allowed

Judgement

1. The petitioner has preferred the present writ petition claiming the following relief:

"It is, therefore, most humbly and respectfully prayed that by an appropriate writ, order or direction -

A. the impugned order dated 28.02.2019 passed by the learned Tribunal partly allowing the application of humble petitioner to prematurely withdraw the FDR amounting to Rs.2,00,000/- in the name of humble petitioner alone in State Bank of India Jalori Gate, Jodhpur, only up to Rs.1,00,000/- may be set aside and the humble petitioner may be allowed to withdraw above noted complete amount of FDR No. BLUPS4543J prematurely under the peculiar facts and circumstances of the case."

2. By way of the instant writ petition, the petitioner-claimant Monika has approached this court with a prayer for directing release of the Fixed Deposit Receipt of Rs.7,00,000/- bearing account No.427327 lying in her name with the United Bank of India, Bikaner Branch, which was prepared in furtherance of the award dated 20.04.2017 passed by the Motor Accident Claims Tribunal, Bikaner.

3. Facts in brief are that the petitioner's father late Mr. Jaspal Singh passed away

in an accident. Upon a claim application being filed by the claimants, learned Motor Accident Claims Tribunal, First, Jodhpur in the spirit of Lok Adalat and on the basis of compromise between the parties, has awarded a compensation to the tune of Rs.9,99,000/- under the award dated 08.07.2017. In furtherance of the aforesaid award, an amount to the tune of Rs.2,00,000/- was deposited in a FDR with the State Bank of India, Branch Bikaner in the name of the petitioner. The petitioner, being in dire need of money on account of his marriage, filed an application before the Tribunal for premature withdrawal of the complete FDR. The Tribunal decided the said application vide order dated 28.02.2019 directing release of Rs.1,00,000/- only from the aforesaid FDR. In pursuance of the order passed by the Tribunal, the remaining amount of Rs.1,00,000/- was kept in a new Fixed Deposit bearing No.BLUPS4543J. Thus, the e petitioner has preferred the instant writ petition with a prayer to release the amount of the aforesaid Fixed Deposit Receipt of Rs.1,00,000/-

4. Having heard and considered the submissions made by the learned counsel for the petitioner and after going through the material available on record, this Court is of the firm opinion that the prayer made by the petitioner is justified. The petitioner received the claim pursuant to the death of his father and he needs the amount of compensation for his marriage and thus, he deserves the relief claimed for.

5. Thus, the writ petition deserves to be and is hereby allowed. Learned Tribunal shall forthwith release the Fixed Deposit Receipt of Rs.1,00,000/- bearing account No.BLUPS4543J (Annex.4) lying with the State Bank of India, Jalori Gate Branch, Jodhpur in the name of the petitioner Satnam Singh after ascertaining his identity. The amount so released shall be credited into the petitioner's savings bank account.