

(2017) 01 RAJ CK 0111
In the Rajasthan High Court
Case No : 2507 of 2016

Smt. Lalita

APPELLANT

Vs

Motor Accident Claim Tribunal & Anr.

RESPONDENT

Date of Decision : 06-01-2017

Acts Referred:

Citation : (2017) 01 RAJ CK 0111

Hon'ble Judges : Sangeet Lodha

Bench : SINGLE BENCH

Judgement

1. This petition is directed against the order dated 1.10.15 passed by the Motor Accident Claims Tribunal (Addl. District Judge No.1) Nagaur ("MACT, Nagaur"), whereby an application preferred by the petitioner for premature release of the amount of compensation awarded by the MACT, Nagaur vide award dated 22.9.14, stands rejected.

2. This petition was filed on 1.3.16. The matter was listed before the Court on 8.3.16, however, on the request made by the learned counsel appearing for the petitioner, the matter was adjourned. Thereafter, the matter was listed on number of times before the Court, but nobody was present on behalf of the petitioner and therefore, the matter was adjourned.

3. It is to be noticed that in the instant case premature release of the FDR is sought by the petitioner on the ground that she has entered into marriage on 26.1.15 and therefore, she had borrowed amount to meet the expenses of the marriage.

4. It is true that while passing the order for disbursement of the award amount, the Tribunal has to keep in view the overall interest of the claimants and their family members. But then, while dealing with the amount of compensation, the need and wishes of the claimants are also required to be kept in view inasmuch as, ultimately, the amount of compensation belong to them. In the instant case, the petitioner is in genuine need of the money as according to her she had spent

money on her marriage by borrowing the money and therefore, there is no reason as to why the part of amount kept in the fixed deposit, which belongs to the petitioner, may not be released prematurely.

5. Having regard to the facts and circumstances of the case, in the considered opinion of this Court, the amount of Rs. 1,00,000/- out of the amount of Rs. 2,50,000/- kept in the FDR in the name of the petitioner, deserves to be released prematurely.

6. Accordingly, the writ petition is disposed of with the direction that Rs. 1,00,000/- out of the amount Rs.2,50,000/- kept in the fixed deposit in the name of the petitioner pursuant to the order passed by the Motor Accident Claims Tribunal, Nagaur may be prematurely released forthwith.