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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 404/2015

MALIDA & ORS

.....Petitioners

Through: Dr. P. S. Nerwal, Advocate

versus

NAIM AHMED & ORS

.....Respondents

Through: Mr. Lalit Kumar Dahiya, Advocate
for respondent-insurer for
respondent No.3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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17.01.2017

Impugned order of 10th April, 2015 permits premature encashment of FDR to the tune of ₹75,000/-. The claim petition has been disposed of by learned Tribunal while awarding compensation of ₹5 lacs out of which petitioners have already got premature encashment of ₹3.5 lacs. The principal amount of ₹1.5 lac only remains deposited.

Upon hearing, I find that there is no justification for release of further amount as of now. Such a view is being taken because petitioners have not explained in this petition as to how they have utilized the amount already prematurely withdrawn by them.

In view of aforesaid, this petition is dismissed. However, petitioners would be at liberty to file a fresh application before learned Tribunal to seek premature encashment of the balance amount lying in the FDR provided they are able to satisfactorily explain as to how the

amount already prematurely withdrawn by them has been utilized.

With aforesaid observations, this petition is disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 17, 2017

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