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

+ CM(M) 535/2017

DILKASH

..... Petitioner

Through: Mr. Sushil Kr. Jain, Adv.

versus

THE STATE

..... Respondent

Through: Mr. Manzar Anis, Adv. for Mr. Naushad
Ahmed Khan, ASC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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15.05.2017

CM No. 18168/2017 (Exemption)

Allowed subject to all just exceptions.

CM(M) 535/2017

The case was called out in the pre-lunch session, when Mr. Naushad Ahmed Khan, the learned ASC was present in Court, however, the matter was passed over at the request of the learned counsel for the petitioner. In the post-lunch session when the matter is again called out, Mr. Manzar Anis, proxy counsel for the respondent states that Mr. Khan is presently engaged elsewhere.

Notice. Mr. Manzar Anis accepts notice for the respondent.

At joint request the case is taken up for hearing and final disposal.

The petitioner seeks release of Rs. 5 lacs i.e. the entire amount awarded to her as compensation claimed towards loss of dependency for the demise of her brother in a motor accident. The petition is supported by an

affidavit of the petitioner stating her age to be 21 years and seeks release of the entire amount for her marriage, which is slated for 25.05.2017.

The petitioner has impugned the order dated 03.05.2017 which has permitted release of only Rs. 1 lakh instead of Rs. 5 lakhs as sought by the petitioner. The Tribunal considered that the mother and the applicant had received Rs. 70,000/- each in the month of March, 2017 and Rs. 42,000/- was released to the other brother of the deceased in the same month. The Tribunal also kept in mind that the claimants were illiterate and uneducated, the apprehension was that if the entire amount was released, it would be quickly dissipated, hence the release of amount was restricted to Rs. 1 lakh.

The circumstances remain the same before this Court. However, considering that the monies are required for the marriage of the petitioner, which at this stage is a life altering, important and happy occasion, therefore, to facilitate the marriage, the Court considers release of another Rs. 1 lakh as appropriate. Accordingly, a total of Rs. 2 lakhs shall be released to the petitioner from the amount awarded to her within one week from today. The remaining amount of her share shall be continued to be kept in an FDR and the interest accrued thereon shall be credited to the petitioner's account.

The petition is disposed off in the above terms.

Copy of this order be given dasti to the parties under the signatures of the Court Master.

NAJMI WAZIRI, J

MAY 15, 2017/kk