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

\+ FAO 281/2016

FUTURE GENERALI INDIA INSURANCE CO LTD..... Appellant
Through:

versus

RAJEENA & ANR ..... Respondents
Through: Mr. Ranjeet Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

O R D E R

% **01.10.2018**

CM APPL.38492/2018

1. Learned counsel for the respondents submits that the respondents had filed CM APPL.19010/2018 which was disposed of on 30th May, 2018 without consideration. It is submitted that CM APPL.19010/2018 be taken up for hearing. The application is allowed and CM APPL.19010/2018 is taken up for hearing.

CM APPL.19010/2018

2. Respondent No.2 is seeking premature discharge of the FDR for Rs.1 lakh issued by State Bank of India in terms of para 3(ii) of the order dated 02nd May, 2017.

3. Learned counsel for respondent No.2 submits that respondent No.2 got married on 06th October, 2017 and this Court had given liberty to respondent No.2 to seek premature discharge of FDR whenever her marriage is fixed.

4. The relevant portion of the order dated 02nd May, 2017 is reproduced hereunder:

"1. The appellant has deposited Rs.9,82,583/- with the Commissioner, Employees' Compensation on 25th April, 2016 and the said amount is lying in FDR with State Bank of India, Tis Hazari Courts Branch.

2. Respondents No.1 to 4 are present in Court and have produced passbooks of their savings bank accounts which are as under:-

(i) Rajeena (respondent No.1)
A/c No.35989226388
State Bank of India
Tis Hazari Courts Branch
MICR No. 110002126

(ii) Zeenat (respondent No.2)
A/c No.35982244247
State Bank of India
Tis Hazari Courts Branch
MICR No. 110002126

(iii) Irfan (respondent No.3)
A/c No.35982396095
State Bank of India
Tis Hazari Courts Branch
MICR No. 110002126

(iv) Reshma (respondent No.4)
A/c No.35982395116
State Bank of India
Tis Hazari Courts Branch
MICR No. 110002126

3. Subject to the outcome of this appeal, the Commissioner, Employees' Compensation is directed to instruct State Bank of India, Tis Hazari Courts Branch to disburse the aforesaid amount in the following manner:-

(i) Rs.6,00,000/- be kept in 100 FDRs of Rs.6,000/- each with cumulative interest in the name of respondent No.1 (Rajeena) for the period of 1 month to 100 months respectively.

(ii) Rs.1,00,000/- be kept in FDR for a period of 2 years with cumulative interest in the name of respondent No.2 (Zeenat). Liberty is given to the respondent No.2 to approach this Court for pre-mature discharge of the FDR, whenever the marriage of respondent No.2 is fixed.

(iii) Rs.1,00,000/- be kept in 20 FDRs of Rs.5,000/- each with cumulative interest in the name of respondent No.3

(Irfan) for the period of 1 month to 20 months respectively.

(iv) Rs.1,00,000/- be kept in FDR with cumulative interest in the name of respondent No.4 (Baby Resham) till she attains majority. Upon attaining majority, the State Bank of India shall release the interest amount accrued on the FDR to Respondent No.4 and principal amount of Rs.1,00,000/- shall be kept in 20 FDRs of Rs.5,000/- each for a period of 1 month to 20 months in the name of respondent No.4.

4. The balance amount after keeping Rs.9,00,000/- in FDRs shall be released to respondents No.1 to 3 in equal shares by transferring the same to their individual savings bank accounts as mentioned in para 2 above.

5. At the time of maturity, the maturity amount shall be credited in the individual savings bank accounts of the respondents No.1 to 4 near the place of their residence by State Bank of India, Tis Hazari Branch. Respondents No.1 to 4 shall furnish the particulars of their saving bank accounts near their place of residence to State Bank of India, Tis Hazari Branch within four weeks.

6. All the original FDRs shall be retained by State Bank of India, Tis Hazari Courts Branch. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to respondents No.1 to 3.

7. No cheque book or debit card be issued to the claimants/respondents No.1 to 3 without permission of this Court. However, in case, the debit card and/or cheque book have already been issued the State Bank of India, Tis Hazari Courts Branch shall cancel the debit card and/or cheque book.

8. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

9. State Bank of India, Tis Hazari Courts Branch shall ensure that the savings bank accounts of respondents are individual accounts and not joint accounts.

10. Respondents are at liberty to approach this Court for release of further amount in case of any financial exigency."

5. The application is allowed and State Bank of India is directed to discharge the FDR for Rs.1 lakh issued in the name of respondent No.2 and transfer the amount to her savings bank account No.35982244247 with State Bank of India, Burari Branch, IFSC Code : SBIN0017930.

6. Copy of this order be given *dasti* to counsel for the parties as well as Mr.Sanjiv Kakra, learned counsel for State Bank of India who shall ensure the compliance of this order by State Bank of India.

J.R. MIDHA, J.

OCTOBER 01, 2018

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