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

\+ CM(M) 1257/2016

RAJWINDER KAUR ..... Petitioner

Through: Mr.L. Ojha, Adv. with petitioner in person.

versus

BANK OF BARODA ..... Respondent

Through: Mr.Umesh Joshi, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

<u>O R D E R</u>

% 07.03.2018

The present petition under Article 227 of the Constitution of India, has been filed by the widow of late Shri Saravjeet Singh who expired on 05.04.2014 after sustaining fatal injuries in a road accident involving a mini Tata Truck. The Petitioner impugns an order dated 30.08.2016 passed by Motor Accident Claims Tribunal, Karkardooma Courts, Delhi, rejecting the application moved by her seeking premature release of FDR for an amount of Rs.3 lakhs deposited in her favour.

Vide its Award dated 11.02.2016, the Motor Accident Claims Tribunal, had while allowing the claim petition no.457/2016, directed the United India Insurance Company to deposit a sum of Rs.15,63,000/-. A further direction was issued by the MACT to apportion the amount in favour of all the legal heirs of late Shri Saravjeet Singh, including the Petitioner who was held entitled to receive a sum of Rs.6 lakhs in the form of two FDRs of Rs.3 lakhs each in her name, for a period of 10 years. It was also directed that the monthly periodic interest on the said FDRs be credited in the Petitioner's account.

Subsequently, the petitioner moved an application before the Tribunal praying *inter alia* for premature release of the amount of Rs.3 lakhs lying in one of the two FDRs of Rs.3 lakh each, in her favour. In her application, the Petitioner brought out that she wanted to earn her livelihood by opening a boutique for which she needed the aforesaid amount. It was also stated in the Application, that in order to maintain herself, the Petitioner had taken loans from her relatives, which she had to repay. The Petitioner points out that she was finding it very difficult to sustain herself on the meagre interest which she was receiving from the FDRs and, therefore, wanted to have a regular source of income for which she needed the sum of Rs.3 lakhs lying in the FDR in her favour. Vide the impugned order dated 30.08.2016, the Tribunal has rejected the application of the petitioner by holding that the entire application was silent about the reasons for such release or the extenuating circumstances compelling the petitioner to come up with such an application.

In these circumstances, the petitioner has approached this Court.

Issue notice. Learned counsel for the respondent accepts notice and does not oppose the petition.

Vide orders 05.12.2016 and 19.05.2017 passed by this Court, the petitioner had been directed to remain present in the Court. The petitioner is present in the Court today and having interacted with the petitioner, it transpire that she is a young widow of about 35 years of age, who is desirous of opening a boutique to earn her livelihood.

Having perused the contents of the Application filed by the petitioner and considered the submissions of the learned counsel for the parties, I am satisfied that the petitioner has shown a genuine need for release of the aforesaid amount of Rs.3 lakhs. I find that the Tribunal has failed to appreciate the reasons explained by the petitioner in her application, wherein she had clearly stated that she needed the money to open a boutique as she is unable to meet her daily expenses from the meagre interest on the FDRs received by her. It needs no reiteration that whenever the amount is kept in the fixed deposits for welfare of legal heirs, applications for premature release of FDRs should be considered by the MACT with an open mind and the amount should be prematurely released whenever the circumstances so warrant. The only thing which is to be kept in mind is the welfare of the legal heirs, for whose benefit the amounts are kept in fixed deposits.

The impugned order dated 30.08.2016, passed by the MACT, Delhi, is set aside. The respondent-bank is directed to forthwith release the amount lying in the FDR bearing No.21290300069266 for a sum of Rs.3 lakhs to the petitioner along with accrued interest, if any, on completion of necessary formalities.

The petition is accordingly, allowed in the aforesaid terms with no order as to costs.

REKHA PALLI, J

MARCH 07, 2018

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