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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1341/2017 & C.M. No.42872/2017

SHRI NAND KISHORE

..... Petitioner

Through

Mr.Mohd. Zahid with Ms.Kanchan
Bala, Advocates.

versus

MALKHAN SINGH & ORS

..... Respondent

Through

Mr.A.K. Soni, Advocate for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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19.01.2018

Vide the present petition the petitioner seeks quashing of the impugned order dated 12.10.2017 passed by the Learned MACT(Central) Tis Hazari Courts, Delhi in Case No.282/2014 titled as “Nand Kishore v. Malkhan Singh & Ors.”.

The learned counsel for the petitioner submits that the petitioner had met with an accident on 12.08.2013, while he was going on foot towards his residence from the office at ITO Chowk Red Light and suffered grave injuries therein. He thereafter filed the claim under the MACT Act and was awarded a sum of Rs.7,48,452/- vide award dated 23.12.2015. At the time of passing of the award 50% of the amount was directed to be released to him and remaining 50% was directed to be deposited in the FDRs.

The petitioner had moved an application before the learned MACT praying for release of the remaining amount on the ground that marriage of his youngest daughter-Ms.Pinky was solemnised on 11.10.2017, The learned MACT however vide order dated 12.10.2017 rejected the

application.

In these circumstances, the petitioner has approached this Court and vide order dated 11.12.2017 notice in the present petition is issued. Upon notice respondent no.3 is represented through counsel and does not oppose the said application.

The petitioner in person submits that due to insufficient means the marriage of his daughter initially fixed for 11.10.2017 had to be postponed now and fixed for 18.02.2018, in support of his statement, the petitioner produced the wedding card of his daughter's marriage, which is taken on record. The petitioner further submits that he has two son who are taking care of him, therefore, it will be appropriate that the amount which has been kept in the FDRs should released to him as the said amount is needed to him to get his daughter married in a respectable manner.

The application is not opposed by learned counsel for the respondent no.3.

I am of the view that the present petition deserves to be allowed since the petitioner is already 60 years old and at this old age, he needs the amount to get his daughter married and there is no other impediment in releasing the said amount.

In the above terms the application is allowed and the petition is disposed of alongwith pending application.

The State Bank of India, Tis Hazari Court is directed to release the amount with the accrued interest.

REKHA PALLI, J

JANUARY 19, 2018/sr