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

+ CM(M) 64/2018 & C.M. No.1678/2018

SAFIK & ANR

..... Petitioner

Through Mr.Rahul Mohod, Adv. with
Mr.Shekhar Aggarwal, Adv.

versus

INTZAR AHMAD & ORS

..... Respondents

Through Mr.Pankaj Gupta, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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24.01.2018

Vide the present petition, the petitioners seek quashing of the order dated 25.04.2017 passed by learned MACT, Kardardooma Courts, Delhi in Case No. 20/2013 whereby the petitioners' request for pre-mature release of the amount held in the fixed deposits, has been rejected.

The facts as emerge from the record, show that the petitioners' mother met with a fatal accident on 08.10.2012, while she was getting down from the bus at the bus stand of Murad Nagar, Ghaziabad as the driver had started the bus without following the traffic rules. The Petitioners had, accordingly, filed a claim petition no. 20/2013 along with four other claimants, and were awarded a sum of Rs. 11,40,614/- vide award dated 01.12.2014. At the time of passing of the award, 50 % of the amount was directed to be released to claimants and remaining 50% was directed to be deposited in their respective FDRs. Since there were six claimants including the present two

petitioners, an amount of Rs. 51,898 was deposited in an FDR in favour of petitioner no. 1 vide receipt no. 67852 dated 02.06.2015 having maturity date 02.03.2020 and similarly an amount of 1,12,747 was deposited in favour of Petitioner No. 2 vide receipt no. 76826 dated 18.02.2015 having maturity date 08.02.2020. Both the FDRs are lying with the UCO Bank, Karkardooma Courts, Delhi

As the petitioners needed immediate financial assistance, they moved a joint application before the learned MACT on 29th March, 2017 praying for pre-mature release of remaining amount lying in their respective FDRs. The plea of the petitioner No. 1 was that he required the amount for treatment of his wife who had been suffering from Tuberculosis and the plea of the petitioner No. 2 was that she required the amount as she was pregnant with a single live foetus with gestational age of 22 weeks 3 days cephalic presentation and required the amount to meet medical treatment and expenses thereafter. The learned MACT, however, has vide the impugned order dated 25.04.2017 rejected their application by observing that maintenance responsibility of Petitioner no. 2 is that of her husband and there is no explanation as to why her husband is not in a position to maintain her to meet the expenses of stated pregnancy and similarly the request of Petitioner no. 1 was rejected by holding that he was bound to maintain his wife out of his own income.

In these circumstances, the petitioners have approached this court. When the matter was listed on 22nd January, 2017, learned counsel for respondent no.3 had sought time for instructions and today he submits that he has no objection to the present petition being allowed.

Having heard learned counsel for the parties, I am of the view that the

present petition deserves to be allowed. It has been consistently held by this Court that the orders for deposit of the amount of compensation in FDRs are made to ensure that the said amount is not frittered away by the legal heirs of the deceased and there is no bar on the release of the amounts in suitable circumstances. As noted above, both the petitioners who are brother and sister, have given good grounds for release of the amount and have demonstrated genuine grounds seeking release of the amounts lying in FDRs in their name, which will mature only after two years. It appears that the MACT has overlooked the most relevant circumstance which is welfare of the legal heirs of the deceased by taking a hypertechnical view of the matter and has ignored the genuine financial difficulties projected by the petitioners which were duly supported by the medical documents. Accordingly, the reasons given by the MACT for rejecting the release of the amount to the petitioner are wholly unsustainable.

Consequently, the present petition is allowed and the order dated 25th April, 2017 passed by the MACT, is set aside. The UCO Bank, Karkardooma Courts, Delhi is directed to release the amounts held in the aforesaid FDRs with accrued interest to Petitioners.

JANUARY 24, 2018/aa

REKHA PALLI, J