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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-4142-2022 (O&M)
Date of decision: 11.10.2022**

Sarvjit Singh

... Petitioner

Vs.

Bimla Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Raj Kumar Bashamboo, Advocate
for respondent No.5.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 04.08.2022 passed by the trial Court, vide which the application filed by the petitioner-claimant for releasing the amount of Rs.4,54,146/-, which is kept by way of FDR in the State Bank of India, Branch Ratia, District Fatehabad, was declined.

Learned counsel for the petitioner submits that the amount has been awarded to the petitioner on account of the injury sustained by him and he suffered 10% disability on account of loss of 2nd, 3rd and 4th metatarsal of bone of right foot and mal-united fracture of first metatarsal bone of right foot and the disability in this case is qua right foot only and it could not be indicated

that the petitioner suffered any functional disability rendering him unable to pursue the agriculture work, therefore, he requires the amount for his further treatment and repayment of loan. It is further submitted that MACT rejected the application only on the premise that vide original award, it was directed that the amount be kept in an FDR for a period of four years, therefore, premature release of the FDR cannot be ordered at this stage.

Learned counsel for respondent No.5-Insurance Company has no objection to the same, as it is submitted that it is discretion of the Court.

After hearing learned counsel for the parties and considering the fact that the petitioner requires the amount for his medical treatment as well as for repayment of loan, as he is the best person to assess his requirement, therefore, finding merit in this petition, same is allowed and the impugned order dated 04.08.2022 is set aside.

The MACT, Fatehabad is directed to release the aforesaid amount in favour of the petitioner.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

11.10.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No