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

+ **CM(M) 1061/2019**

MOSES S DASS

..... Petitioner

Through: **Ms. Khushboo George, Adv.**

versus

RAJIV KUMAR & ORS

..... Respondents

Through: **Mr. Rakesh Tiku, Sr. Adv. with
Mr. Lokesh Bhardwaj, Advs.
Mr. Anuj Bhandari, Adv. for
R3.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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06.03.2024

1. Having heard the learned counsel for the parties present and perusal of the record, the position that emerges is that the petitioner/claimant was awarded a total compensation of Rs.21,68,718/- with interest at the rate of 9% per annum from the date of filing of the DAR/claimant petition i.e., w.e.f 18.02.2013 till realization.
2. It appears that an application was moved on behalf of the petitioner on 19.03.2019 *inter alia* seeking a relief for release of a sum of Rs.15,24,516/- out of total amount of Rs.18,00,000/-, which amount was invested in the FDRs by virtue of award dated 25.11.2017. The case of the petitioner was that he was seeking electronically controlled hydraulic knee joint and C Walk foot from a firm M/s Otto Bock Health Care India.
3. The said application was disposed of by the learned Presiding Officer MACT-01 West District *vide* impugned order dated 05.04.2019 thereby allowing release of Rs.5,00,000/- only out of the



fixed deposit amount.

4. The said order was initially assailed in the present revision petition. It also appears that during the course of proceedings before this Court, the revision petition has since been amended and an additional relief is claimed so as to direct respondent No.3/Insurance Company to bear and pay the entire amount of the prosthetics and to bear the cost of future medical treatment in the form of providing for an artificial limb with periodical replacement alongwith its annual maintenance charges during the lifetime of the petitioner.

5. At the outset, the said relief cannot be allowed. The impugned judgment-cum-award dated 25.11.2017 has attained finality since the same was never challenged by the appeal within a period of limitation prescribed.

6. However, considering the request of the petitioner that he requires the amount for the purpose of procuring artificial limb/prosthetics that would considerably facilitate a better living, and since the petitioner is an adult person and knows best how he can utilize the amount of compensation, his prayer insofar as release of entire amount of compensation is concerned, deserves to be allowed..

7. Accordingly, the impugned order dated 05.04.2019 is set aside. The petitioner be released the entire amount of compensation which is now invested in the fixed deposit receipts with accrued interest forthwith.

8. The petition stands disposed of accordingly.

DHARMESH SHARMA, J

MARCH 6, 2024/sa