



\$~A-6

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

+ **CM(M) 3056/2024**

FIROJ

.....Petitioner

Through: Mr. Pankaj Gupta, Advocate
(Through VC)

versus

RAJ KUMAR AND OTHERS

.....Respondent

Through: Mr. A.K. Soni, Advocate (Through
VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

12.08.2024

%

1. The instant petition under Article 227 of the Constitution has been filed by the petitioner against the order dated 21st March, 2024, passed by the Motor Accident Claim Tribunal, North-East, Karkardooma Court, Delhi (hereinafter shall be referred to as the 'Tribunal') in MISC DJ 4/2024.
2. Learned counsel appearing on behalf of the petitioner submitted that the learned Tribunal has passed the impugned order dated 21st March, 2024, without application of judicial mind and further dismissed the application under Section 151 of the Code of Civil Procedure, 1908 read with Section 69 of the Motor Vehicle Act, seeking pre-mature encashment of FDRs filed on behalf of the applicant/petitioner.
3. It is submitted that the learned Tribunal has not taken into consideration the contentions advanced on behalf of the petitioner that there is no necessity in keeping the money in FDRs and that he requires financial



assistance in the present situation. It is further submitted that the petitioner is contesting the instant matter since 2017 and has not received any compensation in his hand till date.

3. It is vehemently submitted that the non-release of compensation amount to the petitioner is contrary to the very objective of the welfare legislation and the person/victim who has been granted compensation by the learned Tribunal may not be deprived of such compensation for a long time.

4. *Per contra*, Mr. Soni, learned counsel appearing on behalf of the insurance company submitted that the learned Tribunal was correct in passing the impugned order and vehemently opposed the instant petition.

5. Heard the learned counsel appearing on behalf of the parties and perused the documents on record. This Court has also perused the impugned order dated 27th March, 2024 as well as the contents made in the application filed under section 169 of the Motor Vehicle Act, 1988 by the petitioner.

6. After perusing the contents made in the application and instant petition as well as the submissions advanced by the learned counsel for the petitioner, this Court is of the view that while adjudicating the application *vide* order dated 21st March, 2024, the learned Tribunal has not considered the contents made in the application as well as the requirement of the petitioner with respect to the compensation amount which has already been awarded in his favour and was kept in FDRs. Moreover, in case the petitioner is in need of financial assistance, he is entitled to receive the awarded compensation.

7. This Court is of the opinion that rejection of the application is contrary to the intent of the welfare legislation and, therefore, the petitioner is entitled to get the compensation amount.



8. This Court does not find any cogent reason to uphold the impugned order passed by the learned Tribunal.
9. In view of the foregoing reasons, the instant petition is allowed.
10. Accordingly, Manager, UCO Bank, Karkardooma Court Branch is directed to transfer the amount lying in the FDRs in the name of the petitioner in case MACT No. 274 of 2019 alongwith interest accrued thereon in the savings bank account of the petitioner.

CHANDRA DHARI SINGH, J

AUGUST 12, 2024
NA/sm

Click here to check corrigendum, if any