



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.800/2025

Minakshi Sharadchandra Paunikar .Vs. Union of India, through General Manager
Central Railway, C.S.T. Mumbai.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. R. Mankar, Advocate for petitioner
Ms N. G. Chaubey, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 14, 2025

Heard.

2. The petitioner filed a claim for compensation on account of injuries sustained by her in a railway accident. The Railway Tribunal, Nagpur vide order dated 28.01.2021, allowed the claim to the extent of Rs.7,04,000/- with interest at the rate of 9% per annum of which Rs.2,04,000/- was paid immediately and rest Rs.5,00,000/- was ordered to be invested in the fixed deposit. This order has attained finality. The petitioner then approached the Tribunal with a request to permit her to withdraw Rs.3,00,000/- out of the amount so deposited as she intended to purchase the plot at mouja Tarodi Khurd.

3. The respondent objected the application, which objection is continued by counsel appearing for the respondent here as well, that no cogent reason has been given and no case of urgency for withdrawal of the amount is made out.

4. The Tribunal found substance in the submissions made by the respondent and, accordingly, held that the reasons assigned are not sufficient.

The aforesaid finding is assailed before this Court.

5. To my mind, the reasons assigned were more than sufficient. There is no dispute that the petitioner is entitled for the said amount, therefore, it is for her to decide the mode of utilization. To purchase a property is something that can be said to be a justified reason to withdraw the amount invested in the fixed deposit. That being so, there appears no reason why should the petitioner be not permitted to utilise the money for which she is entitled.

6. The order impugned, therefore, is unsustainable. The writ petition is allowed. Impugned order dated 05.02.2024 is quashed and set aside. Application filed by the petitioner for withdrawal of Rs.3,00,000/- along with interest as prayed for is allowed. The balance amount be reinvested in the fixed deposit for a period of two years.

The petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)