$~30

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

% *Date of Decision: 04th February, 2025*

\+ **CM(M) 224/2025**

KHALIL AHMAD .....Petitioner

Through: Mr. Rajbir Singh Sagar, Adv.

versus

JATIN SACHDEVA AND ORS .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

CM APPL. 6989/2025 (*for exemption*)

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

CM(M) 224/2025

3. The petitioner challenges the order dated 17.12.2024 passed by the learned MACT, Karkardooma Courts, Delhi, pursuant to which the application filed by the petitioner seeking release of the compensation amount awarded on 21.08.2024, was rejected.

4. The petitioner had met with an accident which led to filing of the claim being MACT No. 256/2020. By award dated 21.08.2024, the learned MACT awarded a compensation of ₹7,51,840/- in favour of the petitioner, out of which only a sum

of ₹75,840/- was released to him and the remaining amount was directed to be kept in the Motor Accident Claims Deposit (MACAD) in the form FDR, for a period of seven years with monthly accruing interest, to be released in favour of the petitioner on its maturity.

5. This Court in ***Rajesh Tyagi v. Jaibir Singh*** **: I (2015) ACC 838 (Del.)** had framed certain guidelines in regard to the compensation amount to be placed in fixed deposits in order to meet the annual exigencies being faced by the victim and the family members relating to education, health, marriage etc.

6. This Court had advised that the Tribunal shall, depending on the financial status and the financial need of the claimant, release such amount in the beginning and keep the remaining amount in the fixed deposit, in a phased manner.

7. The purpose, in the opinion of this Court, was that certain amount is released periodically or on an application being filed by the applicant, pointing out the need for the such release.

8. It is not disputed that the petitioner met with an accident again on 22.11.2024 and he has been undergoing treatment at GTB Hospital, which is a government hospital. The learned Tribunal rejected the application for release of the balance compensation amount, noting that the treatment in government hospitals is free of cost and no money is required to meet the expenses.

9. It was also noted that the applicant regularly suffers road accidents and it becomes more necessary to secure the future

prospects of the applicant by keeping the compensation in the form of FDR. The learned Tribunal also noted that not a single document is filed to substantiate the alleged need of money for meeting the personal exigencies in life.

10. In the opinion of this Court, the view taken by the learned Tribunal is not correct for more than one reason.

11. Firstly, as noted above, this Court in ***Rajesh Tyagi*** *(supra)* had advised the Tribunals to keep the amount in Fixed Deposits in a phased manner. The purpose of the same being that certain amount is released periodically in favour of the claimant.

12. Secondly, even though the medical treatment is provided free of cost in government hospitals, it cannot be denied that the patient also needs certain amount for his daily requirements. The petitioner is stated to be belonging to a poor strata of society and, thus, would not be having enough savings to meet his other expenses.

13. Thirdly, no document can be provided by a person belonging to poor strata of society in order to substantiate the daily need of money for meeting the personal exigencies. For this, the Courts are permitted to make some guess work.

14. Lastly, merely because a person has suffered two road accidents in a short interval, cannot be a reason to assume that he regularly suffers accidents for which the compensation needs to be secured. A person / claimant requires money to meet daily exigencies and such money being kept in FDR for a long period will not serve any purpose or support the claimant in any manner.

15. Considering the above, the present petition is allowed and 30% of the balance amount is directed to be released in favour of the petitioner. The remaining amount is directed to be kept in 10 equal FDRs and each FDR to be released on its maturity in favour of the petitioner after every six months.

16. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 4, 2025
"SK"