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

+ CM(M) 1793/2025

MALTI DEVI

.....Petitioner

Through: Mr. Omkar Kushwaha, Advocate.

versus

KAPIL SWAMI & ORS.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.12.2025

1. By way of this petition under Article 227 of the Constitution, the petitioner assails an order of the Motor Accident Claims Tribunal dated 23.10.2024, by which her application for pre-mature encashment of a fixed deposit has been rejected.
2. It is evident from the contents of the petition itself that the petitioner had earlier approached this Court in CM(M) 414/2024 [*Malti Devi v. Kapil Swami and Ors.*] for the same relief. By order dated 19.05.2025, the said petition was dismissed with the following observations:

“1. The present Petition has been filed under Article 227 of the Constitution of India read with Section 151 of the Code of Civil Procedure, 1908, seeking to challenge an order dated 23.10.2024 passed by the learned MACT-02 (North), Rohini District Court, Delhi [hereinafter referred to as “Impugned Order”]. By the Impugned Order, the Petitioner’s Application seeking a premature release of Rs.10 lacs has been dismissed.

2. On the first date of hearing, learned Counsel for the Petitioner requested for some time to place on record certain documents/copy of the similar first Application on the basis of which second Application was dismissed by the learned Tribunal. This plea was then repeated by



the learned Counsel for the Petitioner on 30.01.2025 as well as on 23.04.2025.

3. Despite three opportunities granted, the documents/Application has not been filed. Once again, an adjournment is requested by the Petitioner to do so.

4. Given that the multiple opportunities have already been granted, this Court deems it apposite to dismiss the Petition for non-compliance and for non-prosecution.”

3. The petitioner, having unsuccessfully availed of the remedy under Section 227 of the Constitution, cannot file a fresh petition challenging the very same order.

4. Mr. Omkar Kushwaha, learned counsel for the petitioner, therefore seeks permission to withdraw this petition, without prejudice to any alternative remedies that may be available to the petitioner in law.

5. The petition is dismissed as withdrawn, with liberty as aforesaid.

PRATEEK JALAN, J

DECEMBER 9, 2025

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