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

\+ CM(M) 323/2026

KM MAHAK .....Petitioner

Through: Mr. Pankaj Gupta & Mr. Vikas Kumar, Advs.

versus

DEEPIKA GAUTAM .....Respondent

Through:

**CORAM:**
**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

% **13.02.2026**

**CM APPL. 8879/2026**

1. Exemption allowed, subject to all just exceptions.

2. Application stands disposed of.

**CM(M) 323/2026**

1. Pursuant to order dated 9th February 2026, *Mr. Pankaj Gupta*, counsel for petitioner, *K.M.Mehak*, has filed an affidavit on her behalf stating that she has attained majority, and has married *Mohd. Kashif* on 30th November 2025, and is residing in Delhi. It is further stated that the marriage was duly solemnised in presence of all the relatives and well-wishers. Photographs of the marriage have been annexed along with the affidavit. It is further stated that she is residing with her husband in Delhi and seeks premature release of the balance amounts kept in form of FDRs in her name with *UCO Bank, Karkardooma Courts Branch, Delhi,* as the same are required for repayment of loans borrowed from relatives to meet immediate marriage expenses.

2. The impugned order dated 18th November 2025, rejected the request, stating that it was an attempt to achieve '*nefarious ends*' and accordingly, the amount was not released and the application was dismissed.

3. The Court has examined the record with assistance of *Mr. Pankaj Gupta,* counsel appearing for petitioner/*Mehak*. *Mr. Pankaj Gupta,* counsel for petitioner, states that he has interacted with *Ms. Mehak* and is satisfied that she has genuine requirements and loans were indeed taken for financing the marriage.

4. In any event, as per order dated 20th December 2023, directions had been issued for deposit of *Rs.10,00,000/-* in favour of petitioner to be kept in 60 FDRs, payable in equal amounts for a period of 01 to 60 months in succession. It is informed that *Rs.4,00,000/-* has already been released in terms of directions passed by the Motor Accident Claims Tribunal ['***Tribunal***'], and the balance is the proportionate amount which requires to be released in order to assist the applicant with her marriage-related finances.

5. Reference is made to the decisions of the Supreme Court in ***A.V. Padma & Ors. v. R. Venugopal & Ors***., (2012) 3 SCC 378, as followed by this Court in ***Sharda Devi v. Sachin Pratap Singh & Ors.***, 2018:DHC:3564, the guidelines regarding investment of compensation in fixed deposits are intended only to safeguard the interests of claimants and are not to be applied in a rigid or mechanical manner; the Tribunal is required to consider each case on its own merits and keep the welfare of the claimant as the paramount consideration, and therefore, a request for premature release of FDRs cannot be rejected in a hyper-technical or routine fashion where genuine necessity is demonstrated. Relevant paragraphs are extracted as under:

> "***9.*** *Having considered the application and the agreement relied upon by the Petitioner as also the fact that the FDR was in any event maturing on 16.09.2018, I am of the considered view that the Tribunal has dismissed the Petitioner's application in a mechanical manner and without due application of mind. The Tribunal has overlooked the economic strata to which the Petitioner belongs and the conditions in which she is living. In my view, the Tribunal ought to have appreciated that in cases*

*seeking pre-mature release of the amount deposited, it is expected to consider the welfare of the claimant, who is a legal heir of the deceased and not act in a hyper-technical manner.*

*10. At this stage it may be appropriate to refer to the decision of the Supreme Court in A.V. Padma & Ors. v. R. Venugopal and Ors. [(2012) 3 SCC 378], wherein the Court, while examining the plea seeking disbursal of the amount without insisting on the deposit of any portion thereof with any nationalised bank, had after observing that the Tribunals were mechanically rejecting the claimant's applications for withdrawal of the compensation amount without proper application of mind had opined that a change of attitude was required while dealing with such matters. It may be relevant to refer to Para 8, 9 and 10 of decision, which read as under:*

> "***8.*** *Thus, sufficient discretion has been given to the Tribunal not to insist on investment of the compensation amount in long-term fixed deposit and to release even the whole amount in the case of literate persons. However, the Tribunals are often taking a very rigid stand and are mechanically ordering in almost all cases that the amount of compensation shall be invested in long-term fixed deposit. They are taking such a rigid and mechanical approach without understanding and appreciating the distinction drawn by this Court in the case of minors, illiterate claimants and widows and in the case of semi-literate and literate persons. It needs to be clarified that the above guidelines were issued by this Court only to safeguard the interests of the claimants, particularly the minors, illiterates and others whose amounts are sought to be withdrawn on some fictitious grounds. The guidelines were not to be understood to mean that the Tribunals were to take a rigid stand while considering an application seeking release of the money.*
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> ***9.*** *The guidelines cast a responsibility on the Tribunals to pass appropriate orders after examining each case on its own merits. However, it is seen that even in cases when there is no possibility or chance of the feed being frittered away by the beneficiary owing to ignorance, illiteracy or susceptibility to exploitation, investment of the amount of compensation in long-term fixed deposit is directed by the Tribunals as a matter of course and in a routine manner, ignoring the object and the spirit of the guidelines issued*

*by this Court and the genuine requirements of the claimants. Even in the case of literate persons, the Tribunals are automatically ordering investment of the amount of compensation in long-term fixed deposit without recording that having regard to the age or fiscal background or the strata of the society to which the claimant belongs or such other considerations, the Tribunal thinks it necessary to direct such investment in the larger interests of the claimant and with a view to ensure the safety of the compensation awarded to him.*
***10**. The Tribunals very often dispose of the claimant's application for withdrawal of the amount of compensation in a mechanical manner and without proper application of mind. This has resulted in serious injustice and hardship to the claimants. The Tribunals appear to think that in view of the guidelines issued by this Court, in every case the amount of compensation should be invested in long-term fixed deposit and under no circumstances the Tribunal can release the entire amount of compensation to the claimant even if it is required by him. Hence a change of attitude and approach on the part of the Tribunals is necessary in the interest of justice".*"

(emphasis added)

6. In the facts and circumstances of the case and in light of above discussion, the petition is allowed.

7. It is directed that balance FDRs, along with up-to-date interest, be directly remitted into designated account of *Ms. Mehak,* upon verification.

8. Copy of this order be sent to the Manager, *UCO Bank, Karkardooma Courts Branch, Delhi* for information and compliance.

9. The petition stands disposed of in above terms.

10. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 13, 2026/sm/tk**