

Misc DJ No. 784/24 in MACP No. 5249/16
Gaganpreet Singh Vs. Narayan Singh & Ors.

20.07.2024

File taken up today on an application moved by applicant/petitioner Satyanarain seeking pre-mature encashment of his FDRs.

Present : Sh. Vijay Upadhyay, Ld. counsel for
applicant/petitioner with applicant.

Heard on the application. Record perused.

The applicant is seeking pre-mature encashment of his FDRs on the ground that he requires the amount for his medical treatment, repayment of loan and for reconstruction/renovation of his house. It is argued by Ld. Counsel for applicant that applicant is required to undergo an operation within one month for the injuries suffered by him in the accident in question. It is further argued that due to Covid as well as injuries suffered by the applicant in the accident, he could not work and had taken a loan of Rs.50,000/- from his friends and relatives for his treatment and livelihood and he needs an amount for the repayment of said loan. He further argued that the house of the applicant/petitioner at his native village is in damage condition and the same requires renovation. The applicant has also annexed copies of his medical treatment record alongwith the present application.

Vide award dated 21.09.2021, an award for a total sum of Rs. 9,92,600/-(including interim award amount, if any) alongwith interest @ 9% per annum was passed in favour of petitioner and against the respondent/insurance company. It may be noted here that vide aforesaid award, a sum of Rs. 2,00,000/-

was directed to be immediately released to the applicant/petitioner and remaining amount was directed to be kept in FDRs of Rs. 10,000/- each for one month, two months, three months and so on and so forth, having cumulative interest.

The amount in the FDR was kept in terms of guidelines of Hon'ble High Court of Delhi so that the award amount is not frittered away by the claimant. It has been conceded by the applicant that he has no other source of income. The compensation awarded to the applicants cannot be allowed to be utilized entirely for the purpose of repayment of loan amount and for renovation of house. However, considering the medical treatment requirement as reflected from the medical document filed by him today, the application under consideration is allowed. **Accordingly, Manager, SBI Rohini Courts Branch is directed to release only a sum of Rs. 2,00,000/- to the applicant/petitioner out of his remaining compensation amount lying with the bank, on completing necessary formalities, as per rules. Application stands disposed of accordingly.**

File be sent back to record room after necessary compliance.

Copy of this order be given dasti to applicant.

(Richa Manchanda)
Judge MACT-2 (North)
Rohini Courts, Delhi/20.07.2024