

GJSK010001742025 	Presented on	:	27.01.2025		
	Registered on	:	27.01.2025		
	Decided on	:	05.02.2025		
	Duration	:	00	00	09
			Years	Months	Days

**MOTOR ACCIDENT CLAIMS TRIBUNAL (Aux.)
SABARKANTHA AT HIMMATNAGAR**

Exhibit _____

MAC Misc. Application No. 44/2025

Applicant : **Abhesinh Khumansinh Makwana**
Age: About 59 Years, Religion : Hindu,
Occupation : Agriculture
Resi. of: Mahadevpura, Taluka : Himmatnagar,
District : Sabarkantha

V E R S U S

Opponent : **The Manager**
Bank of India, Himmatnagar

**APPLICATION FOR PREMATURE WITHDRAWAL OF
THE AMOUNT OF FIXED DEPOSIT RECEIPT**

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Appearance:

Mr. H. B. Sadhu, Learned Advocate for the Applicant
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:: J U D G M E N T ::

01. The present applicant has been made seeking to have money from the Fixed Deposit Receipt made in his favour by breaking it prematurely.
02. In support thereof, the documents like copy of original award, copy of payment order, copy of Fixed Deposit Receipt in the name of the applicant and Marriage Invitation Card for an auspicious event of marriage of applicant's son herein and in furtherance thereof, the affidavit has been sworn in by the applicant herein complimenting the contents of the present application and prayer thereunder.
03. The learned advocate for the applicant would urge before the Court that marriage of the applicant's son is to be solemnized on 21.02.2025 and in order to meet with the expenses, he has filed the present application and consequently, the present applicant seeking to have amount from the Fixed Deposit Receipt may be granted as prayed for.
04. Regard being had to entire record and proceedings of the present application, it becomes obvious and incisive that the applicant herein has had Fixed Deposit Account bearing No. 240153710000188 being deposit dated 13.03.2024 for the period of five years ending on

13.03.2029. The said Fixed Deposit Receipt appears to have been made at the instance of the Tribunal from the award, which was passed in favour of the applicant herein in MACP bearing No.56/2017. This entire factual aspect is supported from the various papers including the copy of original award vide mark 3/1, payment order vide mark 3/2, Fixed Deposit Receipt vide mark 3/3 and marriage invitation card vide mark 3/4,etc.

Coming to the foundation of the prayer of seeking money by breaking the said Fixed Deposit Receipt, the money was sought on the ground that the applicant herein needs to meet with the expenses of his son's marriage and said fact has further been corroborated by the affidavit of applicant herein. These documentary evidence make it obvious and clear that the request as regards having money back to meet with the expenses of his son's marriage. This ground has been elevated to the pedestal of real requirement of getting money from the Fixed Deposit Receipt by way of binding precedents of **Honourable Apex Court** in **A.V. Padma & Ors. V/s R. Venugopal & Ors.** in **Civil Appeal No. 1095 of 2012** as well as **General Manager, Kerala S.R.T.C. V/s Susamma Thomas** in **1994 AIR 1631**.

This makes applicant herein to be entitled to have his request acceded to.

In this background, the present application seeking to withdraw amount to the tune of afore-mentioned needs to be allowed and accordingly, following order is passed:

:: O R D E R ::

01. The application is hereby partly allowed.
02. The applicant namely **Abhesinh Khumansinh Makwana** is permitted to withdraw the amount of **Rs.75,000/- (Rupees Seventy Five Thousand only)** of his Fixed Deposit Account No. 240153710000188 dated 13.03.2024 of Bank of India, Himmatnagar Branch, as per rules and regulations of the Bank.
03. The balance amount shall stay invested in the same terms and condition shall remain in operation.
04. Yadi be sent to the concerned bank accordingly.

The order is pronounced in the open Tribunal on the 05th day of February, 2025 under my hand and seal.

Date: 05/02/2025

Place: Himmatnagar

(Viral H. Patel)
MAC Tribunal (Auxi.)
Sabarkantha at Himmatnagar
UIC No. GJ00736

PS. Goyal*