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Registration No.: MACMA/85/2025
Filing No.: MACMA/85/2025
Filed On: 14/10/2025
Registered On : 14/10/2025
Decided On : 04/07/2026

**IN THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(AUXI) & COURT OF 4TH ADDITIONAL DISTRICT
JUDGE, AT BHARUCH**

**MAC MISC. APPLICATION NO.85 of 2025
in MACP No. 236/2022**

Applicant : 1. Jamnaben Dalsukhbhai Vasava
Age: 67 years, Occu: Household
R/o. At old Bhilvado, Aanor, Ta-Amod, Dist-
Bharuch.

VERSUS

Opponent : Indian Overseas Bank
At. Station Road, Bharuch Branch.

Appearance:

Ld. Advocate Mr. M.I. Kunda, for the applicant.
Opponent undefended.

Order Below Ex.1

1. The applicant has preferred this application for premature encashment of fixed deposit amount. By way of this application, the applicant has prayed to the Tribunal to release the amount of Rs.49,510/- lying with the opponent Bank, in pursuance of award passed in MACP

No.236/2022.

2. The applicant is present before the undersigned. The reason for withdrawal of amount assigned by her is that, the applicant no. 1 is a widow and, after the accidental death of her husband and son, there is no earning member in the family. The applicant has further stated that she is suffering from cataract in both eyes and requires cataract surgery, for which substantial funds are immediately required. She has also submitted that the upcoming Diwali festival is approaching, and due to her poor financial condition she is unable to meet the medical as well as household expenses. Therefore, she has prayed for premature encashment/release of the Fixed Deposit amount. The applicant had filed a compensation claim application through MACP No. 236/2022 for obtaining compensation. The said application was allowed. Thereafter, when the insurance company deposited the amount, the applicants filed an application through MACMA No. 85/2025 for withdrawal of the amount. Whereby, fixed deposits of Rs. 49,510/- was made in the name of the present applicant. As such, on humanitarian ground, she has prayed for the amount of Rs.49,510/- which is lying as fixed deposits in the opponent - Bank. The applicants have produced documents vide list at Exh.4.
3. This tribunal is conversant with the judgements of the

Hon'ble Supreme Court in the case of (1) Muljibhai Arjanbhai Harijan and another v. United India Ins. Co. Ltd and others, 1982 (1) GLR 756; (2) Nagappa v. Guru Dayal Singh and others, 2003 (2) ACC 274; (3) Sussamma Thomas, 2004 (1) TAC 445, and series of judgement of compensation. The Hon'ble Apex Court has repeatedly pronounced that to look after interest of claimant is the duty of the Tribunal

4. It is true that the Tribunal should understand the ground reality of societies and hardship faced by poor applicants. But it appears that the fixed deposit was created on 01/03/2023 and due to mature on 11/05/2027. Thus, a substantial period of the Fixed Deposit has already elapsed and the maturity date is also not far away. Though the applicant has stated that she require fund for cataract surgery, no sufficient documentary evidence has been produced to establish such compelling or exceptional circumstances warranting premature encashment of the Fixed Deposit. It is true that, except unavoidable circumstances, encasement of fixed deposit should not be allowed. Further, when looking to the documents produced at Exh.4, the applicant has produced copy of the order passed in MACMA No. 81/2023 at mark 4/1, Fixed Deposit Certificate at mark 4/2, Bank Passbook and Aadhar Card at mark 4/3 & 4/4. Consequently, it is not just and proper to grant such permission.
5. In short, it is not proper to approach this Tribunal repeatedly after some interval, demanding money by way

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encasement of fixed deposits. Such approach is basically against the very object and guideline given by the Hon'ble Supreme Court in various decisions regarding compensation amount and its disbursement. The Tribunal should look to the ground reality. The hardship and struggle for existence. In appropriate case, Tribunal should definitely permit encasement of fixed deposit to meet the urgent need of applicants. But, in view of above mentioned factual aspect and mandate given by the Hon'ble Supreme Court, it is not just and proper to allow encasement of fixed deposit. Hence, following order is passed.

ORDER

1. The application is rejected.

Signed and pronounced in Open Tribunal, on 4th day of July, 2026.

Date: 04/07/2026

Place: Bharuch

(M.M.S)

(Virendra Bhikubhai Rajput)

MAC Tribunal (Auxi) Bharuch

Code No.GJ00692