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**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL  
(MAIN) AT BOTAD**

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MACP NO.135/2018 (Old No.416/2016).

**ORDER BELOW EXH-1**

1. The present application has been filed by the applicant/claimant stating that he wants the amount of Fixed Deposit which has been deposited in the bank by the order of this Tribunal. Further, the Tribunal has awarded the amount to the claimant and passed the order. Further, as per the award passed in MACP No.135/2018 (Old No.416/2016), the amount of Rs.76,220/- was deposited in the FDR in Gujarat (Saurashtra) Gramin Bank, Botad.
2. The applicant/claimant is a very person and owing to the injuries sustained in the accident, he has been rendered incapable of engaging in gainful employment, thereby depriving him of a steady source of income. It is further submitted that the marriage of his son has been solemnized and is scheduled to be held on 20<sup>th</sup> April 2026. In these circumstances, the applicant seeks permission to withdraw the amount lying in the said fixed deposit, along with the accrued interest thereon, for the purpose of meeting the necessary expenses and making requisite arrangements for the said marriage. It is also submitted that no appeal has been preferred by the opponents against such order. Therefore, it is respectfully submitted that in compliance with order passed by this Tribunal, the amount deposited in the FDR with Gujarat Gramin Bank, Botad in the name of the applicant may kindly be permitted to be withdrawn, along with accrued interest till date.
3. The application has not been contested by the opponent - insurance company though served.
4. In the case of **Sussamma Thomas (supra)**, Hon'ble Supreme Court has given guideline regarding disbursement of compensation and pronounced to look after the interest of claimant is the duty of the Tribunal. I have also

considered the endorsement of the learned Advocate for the opponent that no appeal / revision has been preferred and submitted to pass order in the interest of justice.

5. It is true that the Tribunal should understand the ground reality of societies and hardships faced by poor claimant. The Tribunal should keep in mind the grounds relates to real life, struggle for survival and difficulties of poor persons. It would be purposeless to keep amount in fixed deposit when applicant/claimant is struggling for life but, it is also equally true that except unavoidable circumstances, encashment of fixed deposit should not be allowed.
6. Therefore in view of the beneficial interpretation of Section 168 of the M.V. Act, the above mentioned legal position and considering the particular special facts of the present case, it would be just and proper to allow this application. Hence, I pass following Order :-

**ORDER**

1. The present application is partly allowed.
2. The Manager of Gujarat Gramin Bank, Botad is ordered to release the entire amount of Rs.76,220/- of Fixed Deposit Receipt No.78037004651 lying in the name of applicant, along with accrued interest, till date after due verification.
3. Copy of this order be send to Gujarat Gramin Bank, Botad.

Pronounced in the Tribunal today i.e., on this **01<sup>st</sup> Day of April, 2026.**

DATE : 01/04/2026  
BOTAD

**(M. J. PARASHAR)**  
CHAIRMAN,  
M.A.C. TRIBUNAL (MAIN),  
BOTAD.  
CODE NO.GJ00463.