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Order Below Exh.1 In
M. A. C. M. A. No.306/2025

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(1) Applicant Sharmistaben Vinodbhai Dama has filed the present application under Section 151 of the Civil Procedure Code requesting this Tribunal to release the entire amount of fixed deposit lying with Bank as per the award passed by the M. A. C. Tribunal, Dahod in M.A.C.P.No.518/2011.

(2) Read the application. Heard the learned Advocate on behalf of the applicant. Perused the documents annexed with the application vide list at Exh.3.

(3) By way of filing this application, it is requested by the applicant to release the entire amount of fixed deposit in her name as per the award dtd.05.03.2021 passed by the learned M. A. C. Tribunal, Dahod in M.A.C.P.No.518/2011. Learned Advocate Mr. B. V. Kalal on behalf of the applicant has submitted that the fixed deposit is lying with the Indian Bank, Dahod Branch for the period of five years having maturity date of 18.10.2027. It is submitted that the applicant resides in a house, which is in dilapidated condition and likely to fall in rainy season, therefore, it requires to be repaired and since the applicant has no other source to arrange for the funds, by filing this application, it is requested to release the entire amount of fixed deposit in her name.

(4) As per the endorsement made by the Nazir, District Court, Rs.59,205/- was paid to the applicant and fixed deposit of

Rs.1,38,130/- has been made with Indian Bank, Dahod Branch for a term of five years.

(5) On perusal of the contents of application with the documents as produced, it transpires that, a fixed deposit of Rs.1,38,130/- in the name of applicant is issued by Indian Bank, Dahod Branch as per order passed by the learned Tribunal in M.A.C.P.No.518/2011 having maturity date of 18.10.2027. Now, looking to the grounds mentioned by the applicant for release of fixed deposit amount, the applicant intend to repair her house and she has no fund for the same. So far as the repairing of house is concerned, the applicant has placed on record a Certificate of Sarpanch of Gram Panchayat stating that the applicant needs money to make her 'kachcha' house to a 'pakka' house at village Rampura. The applicant has not produced any other document in support of her request and she has only relied on the Certificate of Sarpanch of Gram Panchayat. The present application is not supported by any plan or estimate of expenses. From the copy of fixed deposit placed on record, it appears that, the fixed deposit in the name of applicant has maturity date of 18.10.2027. While depositing the said amount in fixed deposit, a reasonable amount has also been paid to the applicant. Now, it appears that the fixed deposit with the Bank is for the purpose of future welfare and need of the applicant and according to the opinion of this Tribunal, such amount can not be permitted to be withdrawn at this premature stage, as such the applicant has not made out her case to release the entire amount of fixed deposit. When the Tribunal after considering all the facts and circumstances has passed such order of fixed deposit with the nationalized bank for

a reasonable period of five years after awarding just and reasonable amount in cash, this Tribunal does not find any just reason to release amount of fixed deposit or any part thereof. Therefore, the present application deserves to be dismissed, hence, following order is passed.

-: ORDER :-

1. The application filed by applicant Sharmistaben Vinodbhai Dama to release the amount of fixed deposit lying with Indian Bank, Dahod in her name as per the award passed in M.A.C.P.No.518/2011 is hereby disallowed.
2. No order is passed as to costs.

The present application stands disposed of accordingly.

Signed and pronounced in open Court on this 02nd Day of April, 2026.

Dt.02-04-2026

(Harishchandrasinh Gulabsinh Vaghela)

Place : Dahod

M. A. C. Tribunal (Main),

Dahod.

(Code No.GJ00590)

DSS, EA