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DURATION	:__________
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IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN)
AT : GANDHINAGAR

MAC MISC. APPLICATION NO.159 OF 2026

(in New MACP No.04/2025 old No.1357/1999)

EX.: 04

APPLICANT(S):

TARULATABEN WIFE OF ISHWARBHAI DODIYA AND DAUGHTER OF RAMANLAL JESINGBHAI PARMAR
AGE : ABOUT 55 YEARS,
OCCUPATION : PRIVATE SERVICE,
ADDRESS : 3-123, HARIDHAM SOCIETY,
BAPA SITARAM CHOWK, AHMEDABAD.

VERSUS

OPPONENT:

THE MANAGER
UNION BANK OF INDIA,
SECTOR-17, GANDHINAGAR BRANCH.

APPEARANCE:
MR.H.M.TAJPURIWALA:LD. ADVOCATE FOR APPLICANT.

 # JUDGEMENT #

[1] The applicant has filed this application for premature withdrawal of the amount kept in fixed deposit in connection with MACP No.04/2025 (Old No.1357/1999) with Union Bank of India, Sector-17, Gandhinagar Branch.

[2] The short facts leading to the present application are that applicant's brother had met with an accident on 20.06.1999 and died, for which MACP No.1357/1999 was filed and the same was re-numbered as MACP No.04/2025. The said petition was disposed by way of judgement dated 07.03.2025, by my learned predecessor. After completion of the case, the applicant was awarded compensation, and a part from the compensation of applicant, i.e. an amount of Rs.10,64,800/- was kept in fixed deposit with Union Bank of India, Sector-17, Gandhinagar Branch vide T.D.R.No.359303020007784, from 12.08.2025 to 12.08.2030.

[2.1] It is submitted by learned advocate for the applicant that applicant's parents had filed the above MACP in the year 1999 on account of death of her brother, and during the pendency of the petition, they died. Subsequently, the amount was awarded to the applicant. At present, the applicant's son Abhishek is studying at USA, in the stream of Computer & Information Science and his total fees is USD 51,103.00. The applicant is in need of money to pay the term fees of her son, which is about USD 7000. The applicant has sent his for studying at abroad by taking loan and she needs this amount to cope up with the requirement of payment of education fees of his son at USA. It is submitted that the case is pertaining to year 1999 and 70% amount is kept under FDR. Therefore, applicant has requested that she may be permitted for premature withdrawal of full amount from the said fixed deposit and prayed to allow the application.

[3] In support of his application, the applicant has produced copy of various documents vide list at Ex.3, i.e. copy of judgement of MACP No.4/2025, copy of payment order and copy of his son's passport with with admission letter, copies of fees paid at USA and copy of F.D.R. and copy of her aadhaar card and has prayed for allowing the application.

[4] Read the application and heard learned advocate for the applicant. Present application has been filed for premature withdrawal of amount kept under fixed deposit to meet applicant's requirement for payment of education fees of his son, who is studying at USA. It is the say of the applicant that she had taken loan for two months for paying his son's fees and now, she wants this amount to pay fees for his son to continue his studies at abroad.

[5] On going through the record, it appears that the matter was disposed on 07.03.2025 and compensation of

Rs.4,84,000/- was was awarded for compensation, and along with interest the same amount came to Rs.15,21,019/-, which was deposited by the opponents. Out of the said amount, partial amount (i.e. Rs.4,56,219/-) was disbursed to the applicant and rest of the amount (i.e. Rs.10,64,800/-) was kept under fixed deposit, so that it can be helpful to the applicant in future. Now, the applicant has come-up with the reason that she wants to pay educational fees of her son, studying at USA and he is not having enough financial resources to meet with her requirement and therefore, she needs to withdraw the amount kept under fixed deposit.

[6] On going through the record, it appears that the judgement was delivered 07.03.2025 and a part of amount i.e. Rs.4,56,219/- has already been paid to the applicant in July-2025. Further, it also appears that her son has been offered admission in November-2023, i.e. before delivery of judgement of MACP. Now, it cannot be said that without any arrangement, the applicant and her family sent their son for studying to USA.

[7] It is pertinent to note here here that Hon'ble Supreme Court has, on many occasions, stated that the amount of award in an accident case, is for compensation and is not a bounty in the hands of the claimants. Thus, only 8 months have passed, after the applicant has been awarded part compensation and the reasons shown by the applicant to withdraw the FD amount, do not seem appropriate and if the fixed deposit will be

released casually on such grounds, then there would be no compliance of the order of the Hon'ble Supreme Court that in a case of compensation awarded in MACP cases, the amount should be kept in fixed deposit for the period of five years in a nationalized bank.

[8] Thus, the prime consideration should be interest of the claimant and here, in the present case, it does not seem to be proper for breaking the fixed deposit at premature stage and if it is done, the purpose of welfare and protection of interest, would not be served in favour of the applicant. Therefore, present application is required to be rejected. Hence, following order is passed:

ORDER

1. Present application stands rejected.
2. No order as to costs.
3. Copy of this order be kept with the record of MACP No.04/2025.

Signed and Pronounced in open Court on **17th** day of **April, 2025**.

Date: 17.04.2025
Place:Gandhinagar

[ASHISH J.S. MALHOTRA]
GJ01504
MOTOR ACCIDENT CLAIMS TRIBUNAL (MAIN) GANDHINAGAR

vb/gnr