

ORDER BELOW EXH. 1 IN M.A.C.M.A. No.
182/2026

1. By way of present application, applicant is seeking premature disbursement of FDR No. 0055825 of Indian Bank, Rajkot Branch, amounting to Rs. 3,02,740/- which arises out of MACP No. 24 of 2014, decided on 23rd August, 2021.
2. Learned Counsel submits that applicant had filed Claim Petition No. 24/2014 for getting compensation on account of the accidental death of his brother, late Pratapram Bhikharam and the matter was decided on 23.08.2021 whereupon, the compensation amount was deposited before this Tribunal. Out of the compensation amount, Rs. 3,02,740/- was ordered to be kept in Fixed Deposit for five years. It is submitted that applicant is engaged in labour work and the marriage of her daughter is to be held on 10.06.2026 therefore, applicant is in urgent need of funds to meet the expenses incurred behind marriage of his daughter thus, he prays to release premature encashment of Fixed Deposit amount. In support, applicant has produced marriage invitation card of his daughter on record.
3. It appears from record that vide award dated 23.08.2021, Tribunal had directed opponent no. 2 to pay an amount of Rs. 3,31,000/- (Rs. Three Lakhs Thirty One Thousand Only) along with interest rate

of 9% towards final compensation to applicant. Out of the said compensation amount, 40% was directed to be paid to applicant by A/c payee cheque and the remaining amount was to be deposited in a nationalized bank for a period of 5 years. By considering application, it appears that present application had filed on 27.05.2026. Upon perusal of the marriage invitation card produced on record, it appears that marriage of her daughter was held on 10.06.2026. In this regard, Id. Advocate for applicant has filed pursis at Exh. 5, duly signed by applicant stating that applicant has incurred substantial expenses towards marriage of his daughter. Moreover, applicant is personally present before the Court. On being specifically asked to applicant whether he had incurred substantial expenses behind marriage of his daughter and whether he requires the entire Fixed Deposit amount to meet the marriage expenses, applicant answered in the “affirmative”. The Hon’ble High Court of Gujarat in, **Savitaben V. Gujarat Gramin Bank Baroda (R/Special Civil Application No. 21575 of 2023 dated 01/01/2024)** had allowed premature release of FDR by observing:-
“10. The Tribunals very often dispose of the claimant's application for withdrawal of the amount of compensation in a mechanical manner and without proper application of mind. This has resulted in serious injustice and hardship to the claimants.

The Tribunals appear to think that in view of the guidelines issued by this Court, in every case the amount of compensation should be invested in long term fixed deposit and under no circumstances the Tribunal can release the entire amount of compensation to the claimant even if it is required by him. Hence a change of attitude and approach on the part of the Tribunals is necessary in the interest of justice." On considering averments made in the application and documents placed on record, this Court is of the opinion that sufficient cause is made out for partial premature encashment of Fixed Deposit amount. Accordingly, following order is passed:

O R D E R

1. The present application is hereby allowed. Indian Bank, Rajkot is hereby directed that, upon production of the original Fixed Deposit Receipt No. 0055825 standing in the name of Megaram Bhikharam, an amount of **Rs. 3,02,740/-** be prematurely encashed before the date of maturity and be paid to applicant in cash, after due verification. The remaining amount shall continue to remain invested in Fixed Deposit.
2. In the event of original F.D. Receipt is lost, destroyed, or a duplicate/new F.D. Receipt is issued,

this order shall not be acted upon, and this Tribunal shall be informed immediately.

3. The concerned bank shall make necessary compliance/report as per the order.

Pronounced and signed in the open Court on
7th day of July, 2026.

Place : RAJKOT
Date : 07/07/2026.

PRIYANKA AGARWAL
5TH ADDL. DISTRICT JUDGE,
RAJKOT.
Code No :GJ01597