

ORDER BELOW EXH. 1 IN M.A.C.M.A. No.197/2026

1. By way of present application, applicant is seeking disbursement of FDR No. 0012397 and FDR No. 0121521 of Indian Bank, Rajkot Branch, total amounting to Rs. 10,98,586/- which arises out of group MACP No. 940 of 2021 (Main) consolidated with MACP No. 939 of 2021 decided on 21st December, 2024.
2. Learned Counsel submits that applicant had filed group MACP No. 940 of 2021 (Main) consolidated with MACP No. 939 of 2021 for getting compensation on account of the accidental death of her husband, late Hareshbhai Chanabhai Vaghela and the matter was decided on 21/12/2024 whereupon, the compensation amount was deposited before this Tribunal. Out of the compensation amount, Rs. 10,98,586/- was ordered to be kept in Fixed Deposit for five years. It is further submitted that the applicant is a lady, having no source of independent income therefore, in order to earn her livelihood, she intends to purchase a Truck, for which she has already entered into an agreement for a total consideration of Rs. 9,50,000/-. Out of the said total consideration, Rs. 2,00,000/- was required to be paid to the seller on 30/04/2026 to take possession of Truck and remaining amount shall be paid in installments as agreed between the parties. Therefore, applicant has prayed for premature encashment/release of the Fixed Deposit amount for her business expenses.

3. It transpires from record that vide order dated 21/12/2024, Tribunal had directed opponent nos. 1 & 2 to pay an amount of Rs. 18,22,600/- (Rs. Eighteen Lakh Twenty Two Thousand Six Hundred Only) in MACP No. 940/2021. Further, the Tribunal had directed opponent nos. 1& 2 to pay an amount of Rs. 7,94,000/- (Rs. Seven Lakh Ninety Four Thousand Only) in MACP No. 939/2021 towards the final compensation to applicant nos. 1 to 3 and in the said claim petitions, the applicant was held entitled to 50% share in the total compensation amount awarded by Tribunal. Out of the total compensation amount, 40% was directed to be paid to the applicant nos. 1 to 3 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 the application filed by applicant, it appears that applicant intends to purchase a Truck to earn her livelihood. To substantiate the same, applicant has produced purchase agreement dated 18/04/2026 executed with Sameja Sahid Alibhai wherefrom, it appears that the total consideration of Truck is Rs. 9,50,000/-, out of which, Rs. 2,00,000/- was to be paid on 30/04/2026, whereas remaining amount is to be paid in installments as agreed between the parties. Hence, considering the submissions on behalf of applicant and the fact that release of amount would enable her to run her livelihood, this Court is of the opinion that sufficient cause is made out for premature encashment of Fixed Deposit amount. In this regard, 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) has 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.”* Hence, 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. 0012397 of Rs. 6,03,800/- and Fixed Deposit Receipt No. 0121521 of Rs. 4,94,786/- standing in the name of Bariya Shilpa Bhimabhai, the total amount of Rs. 10,98,586/- deposited in the aforesaid said Fixed Deposits be prematurely encashed before the date of maturity and be paid to the applicant in cash, after due verification.
2. In the event of original F.D. Receipts are lost, destroyed, or a duplicate/new F.D. Receipt are 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 today on
16th day of June, 2026.

Place : RAJKOT
Date : 16/06/2026.

Priyanka Agarwal
5TH ADDL. DISTRICT JUDGE,
RAJKOT.
Code No :GJ01597