GJRJ220004702026

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IN THE COURT OF 10th ADDITIONAL DISTRICT JUDGE, RAJKOT AT DHORAJI

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MACMA No.21/2026

Exh. : ____

APPLICANT:-

1. Balubhai Khimabhai Ravaliya,
Age:45, Occ: None at present
R/o. Harijan Vaas, Aambecha, Ta. Maliya, Dist. Junagadh.

VERSUS

OPPONENT:-

1. ICICI Lombard General Insurance Co. Ltd.,
7 – Seaz Complex, Shop No.306-307-308,
3rd Floor, Gate No.02, Motibaug Road, Junagadh.

Appearance :-

- Ld. Advocate Mr. M.M. Patel - for the Applicant.
- Ld. Advocate for Opponent - Nil.

Subject : To release the amount invested by way of Fixed Deposit

-:: ORDER ::-

1] The present application has been preferred by the applicant for the release of the amount invested as Fixed Deposit in his name that has been awarded to him as compensation being the applicant of MACP No. 12 of 2020 which was decided by vide order/award dated 27.09.2023. The applicant Balubhai Khimabhai Ravaliya himself has filed the MAC Petition No. 12 of 2020. As per the award, dated 12.10.2023, out of the total compensation which came in the share of this applicant, an amount of Rs.4,85,000/- was invested in his name, by the way of fixed deposit with Saurashtra Gramin Bank.

2] The Ld. Advocate for the applicant has submitted that, the applicant urgently craves the release of the deposited funds to meet exorbitant medical expenses arising from a malignant cancer diagnosis, the preliminary reports whereof are annexed herewith. That due to the said malignancy, the Applicant is completely incapacitated from working and the household is currently surviving on financial assistance and loans from relatives. That in the event the deposited amount is not released at this critical stage, the Applicant will be compelled to secure private loans at usurious interest rates, which would inevitably liquidate the Applicant's existing Fixed Deposits and impose an insurmountable financial burden. Furthermore, the mounting liabilities will completely jeopardize the daily sustenance and livelihood of the Applicant's family, rendering them incapable of servicing the debt despite collective labor.

3] The Ld. Advocate for the applicant has produced the affidavit of the applicant, and the produced the relevant document through D.E.-list at Exh.4. Ld. Advocate for the Opponent has not raised any objection regarding the release fo the F.D.

4] The Tribunal has perused the record, including the medical certificates and the MSCT Scan report of Oral Cavity, Neck with Thorax submitted by the applicant, which explicitly reveal that the applicant is a **suspected case of ca left buccal mucosa**, requiring immediate and aggressive medical intervention. The medical documentation placed on record corroborates the fact that the applicant is suffering from a life-threatening ailment, entailing exorbitant medical expenditures, and has been rendered physically incapacitated from engaging in any gainful employment. It is further evident that the applicant's family is currently under severe financial distress, surviving on temporary loans and assistance.

Therefore, looking to the compelling medical exigency, the gravity of the disease, and the undeniable fact that the applicant urgently requires funds for his own life-saving treatment, the present application deserves to be allowed.

5] Having regard to the overall facts and circumstances of the case, and considering the immediate financial requirement for the applicant's medical treatment, this Court deems it fit and proper that the ends of justice would be served if a partial release of the deposited amount is ordered at this stage. Accordingly, out of the total Fixed Deposit amount of **Rs. 4,85,000/-,** a sum of **Rs. 2,85,000/- (Rupees Two Lakh Eighty-Five Thousand Only)** is ordered to be prematurely encashed and released directly into the bank account of the applicant towards his medical expenses. It is further ordered that the remaining balance amount of **Rs. 2,00,000/- (Rupees Two Lakh Only)** shall be reinvested/continued in a Fixed Deposit in the name of the applicant with the same bank, under the exact same terms, conditions, and guidelines as prescribed in the original judgment and decree. Hence, this Court passes the following order in larger interest of justice.

:-: FINAL ORDER :-:

(1) The present application is hereby partly allowed.

(2) **Saurashtra Gramin Bank, Dhoraji** is hereby directed to prematurely encash the Fixed Deposit bearing **FD Account No. 78042177640 (TDR No. 00593865, dated 08.12.2023)**, and release a partial sum of **Rs. 2,85,000/- (Rupees Two Lakh Eighty-Five Thousand Only)**, along with the proportionate interest accrued on this partial amount till date, to the present applicant by issuing an account payee cheque/draft or by directly transferring it to the bank account of the applicant after due verification.

(3) The Manager of Saurashtra Gramin Bank, Dhoraji is further directed that, after releasing the aforesaid amount of Rs. 2,85,000/-, the **remaining balance amount of Rs. 2,00,000/- (Rupees Two Lakh Only)** shall be strictly reinvested/continued in a Fixed Deposit in the name of the applicant for the remaining tenure, under the exact same terms, conditions, and guidelines as prescribed in the original judgment and decree.

(4) Yadi be sent to the concerned bank for compliance of this order.

Signed and Pronounced in the open Tribunal on this 11th day of June, 2026.

Date : 11/06/2026 (Vaibhav Vasant Mondhe)

10th Additional Sessions Judge,

Place : Dhoraji Dhoraji at Rajkot.

Code No. GJ00852