

GJVD200001792026



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BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL
(AUX.), VADODARA AT SAVLI.

MAC Misc. Appln. No.22 of 2026
(In M.A.C.P. No.43/2023)

Exh. __

Applicants :

Heirs of deceased Vijaykumar Arvindbhai Parmar

- 1) Arvindbhai Gababhai Parmar
- 2) Sarojben Arvindbhai Parmar
- 3) Miteshkumar Arvindbhai Parmar

All are R/o. Tarpot Faliya, Timba,
Dist. Panchmahal

V/s.

Opponent :

Go Digit General Insurance Co. Ltd.
Add. 202,203, 2nd Floor, Golden Icon,
Chakli Circle, Vadodara.

Appearance:

Mr.K.B.Sharma, Learned advocate for the applicants.

**Application for premature withdrawal
of Fixed Deposit Receipts.****: ORDER BELOW EXHIBIT 1 :**

1. The applicants (Original claimants of MACP No.43/2023) have filed this application praying to grant permission for premature withdrawal of Fixed Deposits which have been invested in their names with State Bank of India, Kantdi Branch, Ta. & Dist: Godhra.
2. Heard. Read this application. Perused the documents produced on record by the applicant along with this application vide mark-3/1 to 3/18.
3. On perusal of the record, it appears that the present applicants filed M.A.C.P. No.43/2023 before this Tribunal which was settled in Lok Adalat dtd. 09.03.2024. On depositing the amount of compensation by the opponents, out of the share of the applicants no.1 & 2, 50% was disbursed to them through RTGS/NEFT and remaining 50% amount has been invested in the Fixed Deposit in the name of the applicants. Whereas out of the share of the applicant no.3, 20% was disbursed through RTGS/NEFT and remaining 80% amount has been invested in the Fixed

Deposit in the name of the applicant. The copies of FDRs are produced vide mark 3/7, 3/11 & 3/15. The particulars of FDRs invested in the name of the applicants are as under:

Sr. No.	Name of the Applicant	FDR Account No.	Amount deposited (In Rs.)
1.	Arvindbhai Gababhai Parmar	Account No. 43015415909	Rs.2,60,000=00
2.	Sarojben Arvindbhai Parmar	Account No. 43015467888	Rs.2,60,000=00
3.	Miteshkumar Arvindbhai Parmar	Account No. 43015512572	Rs.208,000=00

4. In the case of *A.V. Padma and Others v. R. Venugopal and Others*, (2012) 3 SCC 378, the Hon'ble Supreme Court referring to the guidelines issued in the case of **General Manager, Kerala State Road Transport Corporation, Trivendum v. Susamma Thumas & Ors.**, reported in (1994) 2 SCC 176, has made distinction in the case of minors, illiterate claimants and widows and in the case of semi-literate and literate claimants. The Hon'ble Apex Court clarified that the guidelines issued only to safeguard the interest of the claimant, particularly the minors, illiterates and others whose amounts are sought to be withdrawn on some fictitious grounds. The guidelines were not to be understood to mean that the Tribunal were to take a rigid stand while considering an application seeking release of the money. The guidelines cast a responsibility on the Tribunal to pass appropriate orders after examining each case on its own merits. Thus, the Hon'ble Apex Court has held that

sufficient discretion has been given to the Tribunal not to insist on investment of the compensation amount in long term fixed deposit and to release even the whole amount in the case of literate persons.

6. Considering the guidelines, as laid down in A.V. Padma (supra), the intention of investing the claimants' money in the FDR is for their own benefit to ensure safety of the compensation amount so awarded. The amount as prayed for at the premature withdrawal is for meeting with the personal exigencies of the life and the Tribunal should consider the same and should have granted the amount as the compensation money is for the claimants. It is responsibility of the Tribunal to pass appropriate orders after examining each case on its own merits.
7. The applicants specifically averred in this application that the applicants have decided to construct new house by demolishing existing old house and estimate for constructing new house is about Rs.6,58,950/-. The applicants have produced estimate for constructing new house at Mark 3/17. As the applicants have no sufficient funds for constructing new house, they have filed this application praying for withdrawal of the amount from Fixed Deposits. It may be mentioned here that if the present application is rejected, the applicants will be compelled to get loan from the financial organization such as Bank, financial company, etc. which charges higher rates of

interest. It is further to be noted here that the applicants may not have sufficient means to return the loan amount which creates hazards to the applicants. Thus, the amount invested in FDR in the names of the applicants would be necessity of the applicants. This fact would be required to be kept in mind while considering this application.

8. Thus, considering the needs of the applicants, this Tribunal is of the view that if the applicants are permitted to withdraw the amount invested in the fixed deposit receipts, it would be meet the ends of justice. Having regard to the facts and circumstances of this case, the present application deserves to be allowed. Hence, the following order is passed in the interest of justice:

ORDER

1. The present application is hereby allowed.
2. The applicants are permitted to withdraw the amounts of their FDRs as mentioned below along with interest lying with State Bank of India, Kantdi Branch, Ta. & Dist: Godhra.

Sr. No.	Name of the Applicant	FDR Account No.	Amount deposited
1.	Arvindbhai Gababhai Parmar	Account No. 43015415909	Rs.2,60,000=00
2.	Sarojben Arvindbhai Parmar	Account No. 43015467888	Rs.2,60,000=00
3.	Miteshkumar Arvindbhai Parmar	Account No. 43015512572	Rs.208,000=00

3. The Bank is directed to release the aforesaid amount in favour of the applicants from their Fixed Deposit Receipts as stated herein-above, on receipt of this order.
4. The copy of this order be sent to the Bank concerned for necessary compliance.

**Signed and Pronounced in the Open Court today
on this 5th day of March, 2026.**

**Place: Vadodara At Savli
Date : 05.03.2026**

**(A.M.Varma)
Motor Accident Claim Tribunal (Aux.) &
9th Additional District & Sessions Judge,
Vadodara, At Savli (GJ-00577).**