

Misc DJ no. 365/2025
Afsana & Ors. v. Mohd. Haseen & Ors.

04.06.2025

Present : Sh. Sunil Dutt Sharma and Sh. M.R. Mansoori, counsel for the applicant.

Submissions on the application heard.

Put up for orders at 03:00 P.M.

(Vijay Kumar Jha)
PO MACT-01 (SHD)/ KKD
Delhi/04.06.2025

ORDER

04.06.2025

At 04:30 P.M.

Pr : None.

1. By this order I shall dispose of the application filed on behalf of the applicant/ petitioner no.1 Smt. Afsana for premature encashment of FDR (Fixed Deposit Receipt).
2. It is stated in the application that the claim petition filed on behalf of the petitioners was decided in Lok Adalat on 29.04.2023, whereby an award for compensation amount of Rs.13,25,000/- along with interest @ 8% per annum from the date of the award till its realization was passed and by the said award itself, the apportionment of the award amount was effected. The applicant had received his share of Rs.8,25,000/- out of which Rs.3,25,000/- was immediately released and the remaining balance amount Rs.5,00,000/- was directed to be kept with UCO Bank, Karkardooma Courts, Delhi in MACAD (Motor Accident Claims Annuity Deposit) in the form of 50 monthly FDRs

(Fixed Deposit Receipts) payable in equal amounts for a period of 1 to 50 months in succession.

3. It is further stated in the application that the applicant has the liability of the marriage of her two daughters and one son. The applicant has fixed the marriage/ nikah of her daughter Muskan and the same has to be solemnized on 10.06.2025. That the applicant has no means of arrangement of money for the marriage and the applicants are in dire need of money for the marriage and thus the present application with a prayer that the FDR of the applicant be encashed prematurely and Rs.5 lakhs be released in favour of the applicant and the necessary directions be given to the Manager of SBI, Tis Hazari Court accordingly.
4. However, learned counsel for the applicant has clarified that the applicant has the MACT account in UCO Bank, Karkardooma Court complex and in the prayer, inadvertently, it has been mentioned SBI Bank at Tis Hazari.
5. I have heard the arguments and perused the record of the case.
6. No details of the expenses to be incurred or already incurred with respect to the marriage of Muskan have been given in the application. It has not been disclosed in the application as to the vocation/ profession of the husband of the applicant, namely Nafees, who is alive and is of 55 years of age as per the affidavit annexed with the application, meaning thereby that he is in a position to earn and bear the responsibility of the family.

7. It may also be noted that vide Lok Adalat Award dated 29.04.2023, petitioner no.4 Muskan was also granted Rs.1,00,000/- which was to be kept secured in the form of an FDR till she attains the age of majority. Petitioner no.2 Nafees was granted Rs.2,00,000/- which was to be kept in the form of 40 monthly FDRs payable in equal amounts for a period of 1 to 40 months in succession. And it is not like that the marriage was fixed suddenly. Eeven the marriage of Muskan would be in the foreseeable horizon even at the time when the award was passed and the amount released to the applicant, her husband and daughter Muskan could be utilized for the purpose of marriage.
8. Moreover, the Hon'ble Supreme Court in '**Kerala, SRTC v. Susamma Thomas, (1994) 2 SCC 176**' has given the guidelines regarding appropriate investments and safeguard of the award/ compensation amount awarded in the claim petition by the MACT so that the compensation amount is not frittered away by the beneficiaries owing to ignorance, illiteracy and susceptibility to exploitation. In the said judgment, the Hon'ble Supreme Court has inter-alia provided that for reasons to be stated in writing, whole or part of the award amount may be released by the MACT if the same is required for expanding the existing business or for purchasing some property to earn her livelihood after ensuring that amount so released is invested for the purpose for which it is demanded.
9. From the judgment of the Hon'ble Supreme Court in '**Susamma Thomas (supra)**', it is manifest that while awarding the compensation, a duty has been cast upon the MACT to safeguard the award amount being frittered away because of various reasons and that the

compensation amount in case of illiterate claimants could only be released for the purposes of income generation so that the future of the claimants could be ensured for better living.

10. Spending money on the marriage of the child/ children in the case of the applicant would come into the category of ostentatious spending, as the moving of the present application indicates that the applicant does not have the wherewithal to expand such kind of money and to allow the prayer in the application would not be in the interest of the applicant. Moreover, in 'Susamma Thomas (supra)' the Hon'ble Supreme Court has not provided for the release of the entire or part of the compensation amount for the marriage of the child/ children of the applicant.
11. In the light of aforesaid discussion and the facts and circumstances of the present case, this Tribunal is not inclined to allow the present application, as allowing the present application would not be in the best interest of the applicant. Accordingly, the **application is dismissed**. However, the Manager, UCO Bank, Karkardooma Court, Delhi, is directed to release the amount with respect to the matured FDRs of the applicant Afsana, her husband Nafees and Muskan if the amount has not already been withdrawn from their respective accounts.
12. Application is disposed of with aforesaid direction. Copy of order be given dasti.

(Vijay Kumar Jha)
PO-MACT-01/SHD/KKD
Delhi/04.06.2025