

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 15128 of 2025

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MANOJKUMAR PRAVINCHANDRA JOSHI
 Versus
 CHOLAMANDALAM MS GENERAL INSU. CO. LTD.

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Appearance:
 NISHIT A BHALODI(9597) for the Petitioner(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 21/11/2025

ORAL ORDER

- 1) The petitioner has filed the present petition seeking following relief(s):-

"YOUR LORDSHIPS be pleased to pass an appropriate order to quash and set aside the order passed by the Ld. Motor Accidents Claims Tribunal at Godhra in MACMA No.123/2025 dated 07/07/2025 (Annexure A) and thereby issuing direction to the learned tribunal/concerned bank to allow the claimant to withdraw appropriate amount of amount lying in the fixed deposit."

- 2) Having heard the learned Advocates for the respective parties, a perusal of record reveals that the petitioner had filed petition being MAC Petition No.43 of 2022 for compensation under Section 166 of the MV Act which came to be settled in Lok-Adalat and judgment and decree was passed in favour of the petitioner and the Insurance Company has satisfied the decree. Subsequently, awarded amount is kept in Fixed Deposit. Now the petitioner intended to purchase a residential house he has executed Agreement to Sell and wants to withdraw the amount in FD for which he approached the Tribunal by way of filing

MACMA No.123 of 2025, for premature withdrawal of Rs.1,35,000/- which is lying in FDR and maturity date is 21.03.2028.

- 3) Considering the interest rate of FDR and intention of the petitioner to invest the FDR money in residential house which appears to be a good investment as well as considering the fact that the petitioner is literate person and is in need of money and in view of the case of ***A. V. Padma & Ors. Vs. R. Venugopal & Ors., reported in (2012) 3 SCC 378***, and the guidelines issued in the case of ***General Manager, Kerala State Road Transport Corporation, Trivandrum Vs. Susamma Thomas & Ors., reported in (1994) 2 SCC 176***, this Court is of the view that present petition deserves consideration.
- 4) Accordingly, present petition is **allowed**. The petitioner is permitted for premature withdrawal of amount lying in **FD Account No.41770642810** with **State Bank of India, Library Chowk**.
- 5) The State Bank of India, Library Chowk, is directed to pay the amount along with interest so accrued in the said FD Account to the petitioner on receipt of this order.
- 6) Direct service is permitted.

(HASMUKH D. SUTHAR,J)

ANKIT JANSARI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANKIT YOGESHBHAI JANSARI(HCW0109), ENGLISH STENOGRAPHER GRADE I, at High Court of Gujarat on 24/11/2025 14:58:46