

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16649 of 2024**

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AJIT GANGARAM BHAGNERIYA

Versus

SHRIRAM GENERAL INSURANCE CO. LTD. & ANR.

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Appearance:

MR. HEMAL SHAH(6960) for the Petitioner(s) No. 1

MR NIKUNT K RAVAL(5558) for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**Date : 22/09/2025****ORAL ORDER**

1. The present petition is filed against the impugned judgment and award dated 27.09.2024 passed by the learned M.A.C.T. (Auxiliary) at Morbi in M.A.C.M.A. no.105 of 2024 (M.A.C.P. no.272 of 2016).

2. Heard learned advocates for the parties.

3. Learned advocate for the petitioner submitted that the petitioner has preferred an application for seeking withdrawal of amount deposited with the learned Tribunal. He further submitted that at the time of institution of the claim petition before the learned Tribunal, the petitioner was 17 years old but now he has attained the majority. He further submitted that the petitioner's father is facing the trial in Criminal Case no.6710 of

2022 lodged under Section 138 of the N.I. Act for dishonor of cheque amount of Rs.1,59,000/-. He further submitted that the father of the petitioner wants to settle the claim, with the complainant in the said criminal complaint. Therefore, the petitioner requires the amount deposited in FDR lying with the learned Tribunal. He further submitted that considering the fact that the father of the claimant is facing the trial for dishonor of cheque, the complainant needs the money. Therefore, the present petition deserves to be allowed.

4. On the other hand, learned advocate for the Insurance Company submitted that considering the facts and circumstances of the case appropriate orders may be passed.

5. This Court has considered the submissions of the learned advocates for the parties and the affidavit filed by the claimant on record. A perusal of the affidavit shows that the father of the complainant is facing trial for dishonor of cheque in Criminal Case No.6710 of 2022, therefore, the claimant requires the money to repay the debt. Considering the needs of the claimant, the present petition deserves to be allowed and accordingly, the learned Tribunal is directed to disburse the amount lying deposited with the learned Tribunal in FDR after due verification, with accrued interest, if any, through recognized

RTGS/NEFT mode.

6. In view of the above directions, the present petition is disposed of.

Direct service is permitted.

CDP

(MOOL CHAND TYAGI, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 24/09/2025 12:18:00