

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 8713/2026

1. Smt. Nandu Devi W/o Surjaram, Aged About 57 Years, Resident Of Todi Ki Dhani, Village Nimba Ka Bas, Post Bansa, Tehsil Deedwana, District Deedwana-Kuchaman (Raj.).
2. Sujaram S/o Bhaguram, Aged About 59 Years, Resident Of Todi Ki Dhani, Village Nimba Ka Bas, Post Bansa, Tehsil Deedwana, District Deedwana-Kuchaman (Raj.).

-----Petitioners

Versus

1. Hanuman Bhai D. Athwal S/o Dana Bhai, Resident Of 96, Gopal Nagar Society, Near Swami Narayan Temple, Mandwi, Police Station And Tehsil Mandwi, District Surat (Gujarat). (Driver And Owner Of Vehicle Car No. GJ-19-Be-2938).
2. S.b.i. General Insurance Company Limited, Through Manager, Second Floor, Plot No. 09, Dwarka Niwas Kailashpuri, Tonk Road, Jaipur - 302018, Having Its Local Office At City Centre Building, 3Rd Floor, Block A, Near Sanghi Petrol Pump, Station Road, Sardarpura, Jodhpur, Raj. - 342001, Policy No. Tsb/30400452 (Insurance Validity Date 16-04-2022 To 15-04-2023). (Insurer Of The Vehicle Car No. GJ-19-Be-2938).

-----Respondents

For Petitioner(s) : Mr. Deepak Nehra

For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

22/04/2026

By way of filing the present writ petition, the petitioners have prayed for the following reliefs;-

'It is therefore, in these circumstances of the case, most humbly prayed that the writ petition may kindly be allowed and issue a writ, direction or orders to the effect that:-

i) directions may be passed to the learned tribunal to allow petitioners for pre-mature payment of FDR amounts and;
ii) to quash and set aside the impugned order dated 12.08.2025 (Annex.-7) and;
iii) to pay pre-mature amounts of (i) TDR (FD) no.20987656 of on of Rs.50,000/- payable on 21.12.2026, (ii) TDR (FD) no.20987502 of Rs.50,000/- payable on 21.12.2028, (iii) TDR (FD) no.2098517 of Rs.50,000/-payable on 21.12.2029, (iv) TDR (FD) no.20987537 of Rs.50,000/- payable on 21.12.2033 in the name of petitioner no.01, (v) TDR (FD) no.20987570 of Rs.50,000/- payable on 21.12.2026, (vi) TDR (FD) no.20987586 of Rs.50,000/- payable on 21.12.2028, (vii) TDR (FD) no.20987615 of Rs.50,000/- payable on 21.12.2029, (viii) TDR (FD) no.20987635 of Rs.50,000/- payable on 21.12.2033 in the name of petitioner no.2, issued by the Punjab National Bank Didwana road Kuchaman city and;
iv) to allow any other relief or appropriate order which this Hon'ble court deems fit and proper in the facts and circumstances of the case in favour of the petitioners.'

2. Having heard learned counsel for the petitioners and upon perusal of the award dated 05.09.2023 passed by the Motor Accident Claims Tribunal, Kuchaman City, in MACT Case No. 21/2023 (Smt. Nandu Devi & Anr. v. Hanuman Bhai & Anr.), as well as the order dated 12.08.2025 passed by the said Tribunal, this Court prima facie finds that the petitioners, who have been awarded compensation of ₹5,25,000/- each (total ₹10,50,000/-) on account of the untimely accidental death of their son, have sought premature release of the amount directed to be kept in FDRs by the MACT, Kuchaman City, on the ground that they require funds for completion and finishing of their under-construction house. The said application for premature release was rejected by the MACT, Kuchaman City, vide order dated 12.08.2025.

3. This Court is conscious of the fact that sufficient discretion is vested in the Motor Accident Claims Tribunals to direct that compensation amounts be kept in fixed deposits so as to prevent misuse. However, MACTs are not expected to adopt a rigid or

mechanical approach in such matters. Applications seeking premature release of amounts deposited in fixed deposits ought to be considered keeping in view the financial condition and genuine requirements of the claimants.

4. In the present case, the application filed by the petitioners before the MACT, Kuchaman City, along with the photographs annexed thereto, clearly indicates that the petitioners, who are aged about 57 and 59 years respectively, require funds for completion and finishing of their under-construction residential house. The application for premature release of the fixed deposits, therefore, ought not to have been rejected in totality by the Tribunal.

5. In view of the aforesaid discussion, and considering the genuine requirement of the petitioners, this Court deems it just and proper to dispose of the present writ petition with a direction for premature release of the amounts lying in three TDR (FD) bearing TDR (FD) No. 20987656, TDR (FD) No. 20987502, and TDR (FD) No. 20987570, along with applicable interest, forthwith, so as to enable the petitioners to complete the construction and finishing of their residential house.

6. With the aforesaid directions, the present writ petition, along with all pending applications, stands disposed of.

(KULDEEP MATHUR),J