

## **WP-5126-2016**

*(ABDUL KAREEM Vs VIJAY)*

**29-07-2016**

Shri Gautam Gupta, learned counsel for the petitioner.

Heard on the question of admission.

This writ petition under Article 227 of the Constitution of India has been filed by the petitioner challenging the order of the Motor Accident Claims Tribunal, Indore dated 1.4.2016, whereby the tribunal has rejected the petitioner's application for premature withdrawal of the FD.

On perusal of the record it is noticed that the award to the tune of Rs.1,65,000/- was passed in the Lok Adalat on 13.12.2014 and out of the said amount Rs.90,000/- was paid to the petitioner and remaining Rs.75,000/- was kept in the FD for a period of 3 years. The petitioner had filed an application for premature withdrawal of the FD on the ground that marriage of his son Shoaib Khan and daughter Sahin Khan was to be performed on 13.4.2016 and the tribunal has rejected the application on the ground that the petitioner could not satisfy about need of the money. The record reflects that now the marriage has already been performed and the ground which the petitioner was raising does not survive.

At this stage, learned counsel for the petitioner submits that the marriage was performed by borrowing money from relatives. If that is true, the petitioner will be at liberty to file fresh application enclosing therewith all the relevant documents showing that the marriage was performed by borrowing the money. If such an application is filed by the petitioner, the Tribunal will consider and decide the same in accordance with law.

Writ petition is accordingly disposed off.  
C.C. as per rules.

**(PRAKASH SHRIVASTAVA)**  
**JUDGE**