

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.9037/2020

Rajendra Singh S/o Tursi, R/o Lahchora Khurd, Teh. And Police Station Bayana, District Bharatpur Presently R/o Sogariya Mohalla, Outside B Narayan Gate, Bharatpur Rajasthan.

----Petitioner

Versus

1. Kailash Chandra Garg S/o Ramcharanlal, R/o Arya Samaj Road, Bayana, Police Station Bayana, Distt. Bharatpur Owner Of Jcb No. Rj-05-Ea-0207.
2. Munshilal S/o Kalua Ram, R/o Bastarawali, Thana Rudawal, District Bharatpur Driver Of Jcb No. Rj-05-Ea-0207.
3. Icici Lombarde Motors Insurance Company Ltd., Service Through Icici. Lombard Motors Insurance Company Ltd., P.m. Motors, Gopalpura Bye Pass, Jaipur Insurance Company Of Jcb No. Rj-05-Ea0207.

----Respondents

For Petitioner(s) : Mr. Navankur Dubey
For Respondent(s) : Mr. Virendra Agarwal

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

30/09/2020

सत्यमेव जयते

1. Learned counsel for the petitioner submits that the petitioner was awarded a sum of Rs.12,49,065/- by the Motor Accidents Claims Tribunal (hereinafter referred as "Tribunal") on account of the injury sustained by him in a motor vehicle accident. Learned counsel submits that while a sum of Rs.4,79,621/- was released and the remaining amount was kept in Fixed Deposits by the court below.

2. Learned counsel relies on the judgment passed by this court in SBCWP No.15642/2018 titled as *Jilsad Alias Dilsad Versus Shaukat & Others* decided on 04.09.2018 to submits that in view of the urgency of amount to be needed for personal use and construction of his residential house, the amount may be released and the order passed by the Tribunal refused to release the amount dated 8.7.2020 be set aside.

3. Learned counsel appearing for the respondent no.3 submits that the entire amount has already been deposited with the petitioner and they have not challenged the judgment in an appeal.

4. I have considered the submissions.

5. In *Jilsad Alias Dilsad (supra)*, this court has taken a view as under:-

"7. Accordingly, in relation to the cases of persons who have attained majority, this Court is of the opinion that the persons who have attained majority and who are literate and are able to take decision relating to their future, the Tribunal ought not insist on getting the amount deposited in fixed deposits and it should be left for the concerned claimant to take his own decision relating to the investment of the amount of compensation awarded in the manner which he may like to do. The Tribunal may, however, fix certain portion of the compensation awarded in fixed deposits up to the extent of 40% in relation to the claimants who are widows and children. This would be in tune with the judgment passed by the Apex Court in the case of General Manager, Kerala State Road Transport Corporation Trivandrum Vs. Susamma Thomas & Ors.: AIR 1994 SC 1631."

6. Keeping in view the above, I am inclined to allow this petition and direct the Tribunal to release the remaining amount of

Rs.7,69,444/- kept in FDRs alongwith interest accrued thereto to the petitioner.

7. The writ petition is accordingly allowed.

(SANJEEV PRAKASH SHARMA),J

Karan Bhutani /45

RAJASTHAN HIGH COURT



सत्यमेव जयते