

(2014) 09 AHC CK 0123**Allahabad High Court****Case No:** Civil Misc. Writ Petition No. 47244 of 2014

Raghvendra Sharma

APPELLANT

Vs

M.A.C.T./A.D.J.

RESPONDENT

Date of Decision: Sept. 4, 2014**Citation:** (2014) 8 ADJ 332**Hon'ble Judges:** Sudhir Agarwal, J**Bench:** Single Bench**Advocate:** Satyaveer Singh, Advocate for the Appellant; Sanjai Singh, Advocate for the Respondent**Judgement**

@DELETEUPPERDATA

Sudhir Agarwal, J.

Heard learned counsels for parties and perused the record. Claim Tribunal awarded a sum of Rs. 6,13,600/- alongwith 7 per cent interest in M.A.C.P. No. 842 of 2011 pursuant whereto Insurance Company deposited Rs. 6,93,776/- in the Court whereagainst half of the amount, i.e., Rs. 3,46,888/- was paid to the claimant and rest was kept in fixed deposit for a period of two years in Punjab National Bank, Railway Road, Aligarh. Petitioner moved an application that whatever amount was paid to him that has already been spent in his treatment and he requires further amount for the purpose of extension of his business else he would suffer irreparable loss but his application for release of rest amount has been rejected by Tribunal by impugned order dated 2.8.2014 only on the ground that it does not find the encashment of F.D.R. justified and therefore, the amount should not be released.

2. I do not find any justification for not doing so. The compensation awarded to petitioner belong to him and the claimant-petitioner is not a minor. It is also

nobody's case that aforesaid amount has to be utilized by petitioner for maintenance of petitioner himself and other members of family. Petitioner is best judge to examine as to how he should utilize the same. The Court cannot compel the petitioner to part away some amount by keeping it in fixed deposited so as not to be utilized by the petitioner even if he has genuine requirement. The approach of Tribunal in rejecting petitioner's application is clearly illegal and arbitrary. The writ petition is allowed. Impugned order dated 10.5.2013 and 2.8.2014, to the extent as above, are hereby quashed. The balance amount, which has been kept in fixed deposit receipts shall be forthwith released in favour of petitioner alongwith interest as incurred in the meantime in accordance with the regulations of the Bank.