



Single Detail

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
WRIT PETITION (Art. 227) NO. 857 OF 2014

PETITIONER

Applicant

Prakash Tiwari, son of Shri Padum Tiwari, aged about 23 years, resident of Jabdapara, Sarkanda, P.S. Sarkanda, Tahsil & District Bilaspur (CG)

Civil & Revenue District Bilaspur

Vs

RESPONDENTS

1. Narendra Kumar Tandon, son of Late Dharamlal Tandon, aged 45 years, resident of Vinoba Nagar, Near Gayatri Mandir, Police Station Tarbahar, Tahsil & District Bilaspur (CG)

2. Thameswar Patel, son of Shri N.P. Patel, aged 30 years, resident of New Loco Colony, Qtr. No.1212/4, Police Station Torwa, Tahsil & District Bilaspur (CG)

(Registered Owner)

3. The New India Insurance Company Limited, through Divisional Manager, Divisional Office, Sriram Trade Centre, Opposite Rajiv Plaza, Old Bus Stand, Bilaspur (CG)



(Insurance Company)

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

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C311115

HIGH COURT OF CHHATTISGARH : BILASPUR
W.P.(227) No.857 of 2014

PETITIONER

Prakash Tiwari

Versus

RESPONDENTS

Narendra Kumar Tandon & others

Single Bench : Hon'ble Shri Justice Prashant Kumar Mishra

Present :- Shri Goutam Khetrapal, Advocate for the petitioner.
Shri SN Nande, Advocate for respondent No.3.

ORAL ORDER

(Passed on this 27th Day of January, 2015)

Heard learned counsel for the parties.

1. The petitioner is challenging the order passed by the Claims Tribunal (for short 'the Tribunal'), who has rejected his prayer for premature withdrawal of the awarded amount.
2. The petitioner sustained grievous injury in an accident occurred on 19.02.2011. The Tribunal passed an award for Rs.2,92,063/- in petitioner's favour on 30.01.2013. Out of the said amount, an amount of Rs.2,50,000/- was directed to be deposited in term deposit (F.D.). On earlier occasions, the petitioner was allowed to withdraw Rs.50,000/- each twice, firstly on 5.04.2013 and thereafter on 24.09.2013. Thus, at present a sum of Rs.1,49,206/- is remaining in his F.D. Account.
3. The subject application was moved for premature withdrawal of the amount on the ground that the petitioner is to repay the debt, which was borrowed for the expenses incurred for his treatment.
4. Considering the entire facts situation of the case, it is directed that the petitioner be permitted to withdraw a sum of Rs.75,000/- from the amount which is lying as F.D. in his bank account.
5. In view of the above, the writ petition stands disposed of finally.

Sd/-

Prashant Kumar Mishra
Judge