

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 427 of 2015

1. Devram @ Bhikham Sahu S/o Brijlal Sahu, aged about 37 years, R/o Village Tarra, P.S. Rajim, District Raipur (C.G.)

---- Petitioner

Versus

1. Abdul Ajim Khan S/o Abdul Gani Khan, aged about 38 years, R/o Gaji Nagar, Veergaon, Durga Nagar Ward, Near Tiwari General Store, P.S. Urla, Raipur, District Raipur (C.G.),
2. Nikhil Dewangan S/o Shyam Sundar Dewangan, aged about 28 years, R/o Shanti Nagar, Irrigation Colony, P.S. Civil Line, District Raipur (C.G.),
3. The New India Insurance Company Limited, Through : The Divisional Manager, Divisional Office, Madina Building, Jail Road, Raipur (C.G.).

---- Respondents

For Petitioner : Shri Shikhar Sharma, Advocate.

For Respondents 1 and 2 : None, not noticed.

For Respondent No.3 : Shri Raj Awasthi, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20.11.2015

1. It is submitted on behalf of the petitioner that for the present WP(227) notice are not required for respondents 1 and 2.

2. On due consideration, looking to the facts mentioned in the matter before the Court, in the considered view of this Court, issuance of notice to respondents 1 and 2 is not necessary.

3. With the consent of both the parties, heard the matter finally.

4. Learned counsel for the petitioner submits that out of the amount awarded two lacs rupees in cash has been given to the present petitioner and Rs.7,75,247/- has been kept in the fixed deposit in his name till 30-06-2021. It is submitted that the petitioner had suffered injury/permanent

disability in the motor accident and on the application under Section 166 of the Motor Vehicles Act, the Tribunal vide award dated 21-04-2014 in Claim Case No.79/12 passed the award. The petitioner is aged about 37 years and as he suffered permanent disability, he is unable to perform any job and not in a position to earn. He has prayed that he is aged about 37 years; he wants to construct a shop in the land owned by his son and will run Kirana Shop as he is not able to earn otherwise. It is prayed on behalf of the petitioner that he be granted four lacs rupees for the same and the remaining amount be kept in the fixed deposit and he will not pray any further for more money until maturity of the fixed deposit.

5. Heard learned counsel for respondent No.3.

6. On due consideration, looking to the facts mentioned in the petition and also demonstrated through documents filed along with the covering memo and other facts, I am inclined to allow the prayer made in this behalf by the petitioner. Hence, the instant WP(227) is hereby disposed of. The Court below is directed to disburse four lacs rupees in cash from the fixed deposit already kept in the name of the petitioner. The Court below is further directed to keep the remaining amount Rs.3,75,247/- in the fixed deposit till as per earlier order, i.e., till 30-06-2021. The petitioner shall not be entitled for any other amount remaining in the fixed deposit until maturity.

7. Copy of this order be sent to the Court below for compliance. The petitioner may also file certified copy before the Court below for compliance.

8. No order as to cost.

9. The petition disposed of accordingly.

(Chandra Bhushan Bajpai)
JUDGE

