

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 604 of 2015

1. Manendra Manjhi @ Haridas Manjhi S/o Kartik, aged about 51 years, R/o P.V. No. 30, Thana and Tahsil Pakhanjore, Distt. Uttar Batar Kanker (Chhattisgarh)
2. Smt. Sujita Manjhi W/o Manendra Manjhi @ Haridas Manjhi, aged about 46 years, R/o P.V. No. 30, Thana and Tahsil Pakhanjore, Distt. Uttar Bastar, Kanker, (Chhattisgarh)

---- Petitioners

Versus

1. Deepak Mandal S/o Manendra Mandal, aged about 36 years, R/o P.V. 55 Pakhanjore, Distt. Kanker, (Chhattisgarh)
2. Dilip Baroee S/o Chandmohan Baroee, aged about 36 years, R/o Village P.V. 31, Pakhanjore, Distt. Kanker, (Chhattisgarh)
3. The Oriental Insurance Company Ltd. Division Office, M.B. Trade Center Second Floor, Chandani Chowk, Dhamtari, (Chhattisgarh)

---- Respondents

For Petitioners – Shri Parag Kotecha, Advocate.

For Respondents 1 and 2 – None, not noticed.

For Respondent No.3 – Shri Neelkanth Malaviya, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16/12/2015

1. Reply to the instant writ petition has been filed on behalf of respondent No.3. In the said reply, no any objection to the present petition is submitted.
2. Learned counsel for the petitioner submits that as respondent No.3 has deposited the entire amount before the Tribunal and also they are not pressing the present petition regarding mode of disbursement. With the present facts, respondents 1 and 2 are not the contesting party for the instant WP(227), the matter may be heard even without noticing to respondents 1 and 2.
3. Upon consideration of the above facts, the instant petition heard finally at the motion stage itself.

4. Brief fact of the instant WP(227) are that in Claim Case No.15/2013 (Manendra Manjhi @ Haridas Manjhi and another Vs. Deepak Mandal and two others), as the applicants/petitioners and respondent No.3 entered into a compromise, on the terms of the compromise Lok Adalat passed the award dated 06-12-2014 for compensation of Rs.3,80,000/- in favour of the petitioners. The said award was satisfied by depositing a cheque of Rs.3,80,000/- by respondent No.3 before the Additional Motor Accident Claims Tribunal, Bhanupratappur. On 10-04-2015, the Tribunal gave Rs.50,000/- cash to both the petitioners jointly and further ordered for fixed deposit of remaining amount for five years in a nationalized bank jointly. The Tribunal allowed the interest to be given to the applicants/petitioners. Against the order by which the Court below had kept the amount Rs.3,30,000/- in the fixed deposit, the petitioners have filed the instant WP(227) and prayed that the order dated 10-04-2015 be set aside and they be directed to disburse the entire amount in cash to the petitioners.

5. After some arguments, it is submitted on behalf of the petitioners that as the petitioners are poor persons with no any sufficient source of income, they are villagers of remote area and as legal heirs they were compensated and they are in need of money, hence, they be permitted to receive some part of the money in cash and the remaining amount may be kept in fixed deposit.

6. On due consideration, looking to the amount given in cash and the facts that the petitioners are husband and wife, they have been compensated in a motor accident claim case where they compromised with respondent No.3, they are poor persons and the money is required for their minimum livelihood, the instant WP(227) is hereby disposed of with a direction that they are entitled jointly for Rs.1,50,000/- in addition to Rs.50,000/- they have already received in cash. The remaining Rs.1,80,000/- shall be kept in a fixed deposit for five years

and the applicants/petitioners shall be entitled for the interest payable. The trial Court is directed to keep the remaining Rs.1,80,000/- in a fixed deposit after disbursement of Rs.1,50,000/-.

7. The petition disposed of accordingly.
8. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE