

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.1015 of 2015**

1. Dhanendra Kumar Dewangan S/o Fagnuram Dewangan, Aged About 35 Years R/o Village Potiyadih, Police Station Arjuni, District Dhamtari (Chhattisgarh).....(Claimant)
2. Smt. Hombai W/o Dhanendra Kumar Dewangan, Aged About 30 Years R/o Village Potiyadih, Police Station Arjuni, District Dhamtari (Chhattisgarh).....(Claimant)

---- Petitioners**Versus**

1. Devshri Sahu S/o Preetam Sahu, Aged About 25 Years R/o Village Potiyadih, Police Station Arjuni, Tahsil & District Dhamtari (Chhattisgarh).....(Plaintiff)
2. Dashrath Sahu S/o Dukaluram Sahu, Aged About 35 Years R/o Village Potiyadih, Police Station Arjuni, Tahsil And District Dhamtari (Chhattisgarh).....(Plaintiff)
3. Shriram General Insurance, Company Limited E- 8, Tibco Industrial Area Sitapura, Jaypur (Rajasthan) 302022(Plaintiff)
4. Motiram Sahu S/o Raghunath Sahu, R/o Village Junwani, Tahsil Kurud, District Dhamtari (Chhattisgarh).....(Plaintiff)
5. United India Insurance Company Limited, Branch Office, In Front Of Shandilya Stone, Devshri Talkies Road, Dhamtari, District Dhamtari (Chhattisgarh).....(Plaintiff)

---- Respondents

Shri Anil Gulati and Shri Akash Gupta, counsel for the petitioners.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.12.2015**

Heard on admission.

2. It is submitted on behalf of the petitioners that the petition may be admitted for consideration and writ of mandamus be issued directing the Court below to release the amount deposited in the fixed deposit.
3. As per the facts of the case, the petitioners have filed Claim Case No.138/2011 before Motor Accidents Claims Tribunal, Dhamtari and the learned Tribunal allowed the petition vide award dated 22.8.2013 and awarded compensation of Rs.2,25,000/- along with 6%

interest from the date of presentation of the petition i.e. 08.8.2011 to till realization. The court below further ordered that the petitioners are entitled to receive 50% total amount and the remaining 50% shall be deposited in fixed deposit for five years and the petitioners are allowed to receive the amount of interest. The petitioner had filed an application before the Court below for withdrawal of the amount so deposited in the fixed deposit. The Court below while rejecting the application vide order dated 06.8.2015 passed in MJC No.13/15 held that as the application made in this behalf is not supported by the certificate of village panchayat and also there was no excess rain, the application does not inspire confidence, hence, dismissed the application and further directed that if any application is filed in future, a copy of the ordersheet may necessarily be annexed along with the matter.

4. By filing the instant petition, it is prayed by the petitioners that the matter may be admitted for hearing and after due hearing the petition may be allowed. The remaining amount which is under the fixed deposit may be allowed to withdrawn.

5. Counsel for the petitioners duly supported the petition and submitted that the petition may be admitted for hearing and accordingly allowed.

6. For the purpose of appreciation, documents enclosed along with the petition are perused.

7. The Court below had already disbursed 50% of the entire compensation amount of the petitioners. Rest of the 50% amount is kept in fixed deposit for five years only along with concession that petitioners are entitled to get the interest on the said fixed deposited amount.

8. Order passed by the Court below is based on the fact and settled law. The petitioner failed to appreciate their genuine need for withdrawal of remaining 50% amount. I do not see any illegality or impropriety in the matter which requires interference by mandamus of writ and by admitting the petition for hearing. Consequently, the instant petition is liable to be and is hereby dismissed. No order as to cost.

**Sd/-
(Chandra Bhushan Bajpai)
JUDGE**