

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Civil Revision No. 48 of 2016**

Smt. Rameshwari Bai Wd/o Late Mahesh Kumar Lonhare, Aged About 50 Years R/o Village Ranitarai, Police Station Devri, Police Station Dondi Lohara, District Balod, Chhattisgarh

---- Applicant

Versus

1. Naushad Ali @ Rana S/o Imdad Ali, Aged About 20 Years R/o Moujmapara, Keshkal, Police Station Keshkal, District Bastar, Chhattisgarh (Driver Of The Offending Vehicle Bearing No. C.G.-17-D-0809)
2. Smt. Neela Lambadi W/o N.K. Lambadi, Aged About 50 Years R/o Hatha Ground Jagdalpur, District Jagdalpur, Chhattisgarh (Owner Of The Offending Vehicle Bearing No. C.G.-17-D-0809)
3. Oriental Insurance Company Limited, Through Branch Jagdalpur, District Jagdalpur, Chhattisgarh (Insurer Of The Offending Vehicle Bearing No. C.G.-17-D-0809)

---- Respondents

For Applicant:

Mr. B.P. Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.03.2016**

1. The present Civil Revision has been filed seeking direction for modification of the order dated 26.02.2016 passed by the First Additional Motor Accident Claims Tribunal, Balod, District - Durg in MJC No. 24 of 2016 wherein the Tribunal has rejected the Application of the Petitioner claiming release of an amount of Rs. 3,34,330/-, which has been fixed in her name. The said amount is required on account of marriage of her daughter Dhenu Ratna scheduled to be held on 26.04.2016.
2. The factual matrix of the case is that husband of the Applicant-Petitioner met an accident on 25.01.2009 and succumbed to injuries. Thereafter, against which claim application was filed by the present Applicant along with her son and daughter, before the Second Motor Accident Claims

Tribunal, Balod which was registered as Claim Case No. 62/12. The claim was finally decided in favour of the claimants vide award dated 29.06.2013 granting an amount of Rs. 8,94,336/- of which only Rs. 50,000/- was ordered to be released to the present Applicant. Remaining amount of Rs. 8,44,336/- with interest was ordered to be equally deposited in three parts in a nationalised bank as fixed deposit in the name of the present Applicant, her son and her daughter.

3. Subsequently, the present Applicant filed an application for release of an amount of Rs. 3,34,330 deposited in her name, for marriage of her daughter before the First Additional Motor Accident Claims Tribunal, Balod on which the Tribunal vide Annexure A/1 dated 26.02.2016 ordered to release only Rs. 1 lakh to the present Applicant.
4. Taking into consideration the nature of the claim and the purpose for which the amount is required, Also taking note of the fact that the amount claimed to be released is in fact the amount which falls as the share of the applicant's daughter Kum. Dhenu Ratna this Court is of the opinion that the order passed by the court below releasing Rs. 1 lakh only is not sufficient. The said amount is too meagre an amount so far as marriage is concerned. Even otherwise the amount which falls in the share of Kum Dhenu Ratna is infact going to be used for her future. For a mother getting their daughter married is the ultimate aim and which any mother would want to be done in a grand manner.
5. Accordingly, the impugned order dated 26.02.2016 stands modified to the extent of the claimants being entitled for the release of an amount Rs. 3 lakh from the total amount deposited in the bank. It is made clear that the said amount of 3 lakh i.e. Rs. 2 lakh enhanced by this Court and Rs. 1 lakh awarded by the Court below, shall be divided into half and shall be equally withdrawn from the deposits made in the name of the Applicant Smt. Rameshwari Bai and that of Dhenu Ratna, daughter of the present

Petitioner for whose marriage the said amount is required. In other words an amount of Rs. 1,50,000/- each shall be withdrawn from the amount lying in the name of present Applicant Smt. Rameshwari Bai and her daughter Dhenu Ratna. The balance amount shall be deposited as per the directions in the original order of the Tribunal for a period fetching maximum rate of interest.

6. The Civil Revision is accordingly allowed and disposed.

Sd/-
(P. Sam Koshy)
JUDGE