

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 263 of 2016**

Sharda Prasad Sahu S/o Satya Prakash Sahu, Aged About 30 Years
R/o Village Chorbhatti, Tahsil And P.S. Kurud, District Dhamtari
Chhattisgarh

---- **Petitioner****Versus**

1. Ramesh Kumar S/o Ranjit Ram Nirmalkar, R/o Village Korra, P.S. Bhakhara, District Raipur Chhattisgarh
2. Mohd. Imran Khan, S/o Mohd. Harun Memon, R/o Amapara, Dhamtari, District Dhamtari Chhattisgarh
3. Branch Manager, Chola Mandalam, M.S. General Insurance Company Limited, Raipur, First Floor, Hinduja Complex, 22 Paras Nagar, Devendra Nagar, Raipur, District Raipur Chhattisgarh

---- **Respondents**

For Petitioner: Shri CR. Sahu, Advocate.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

22.4.2016

1. The present Petition has been preferred against the order dated 13.1.2016 passed by the 7th Additional Motor Accidents Claim Tribunal, Raipur (for short 'the MACT') whereby an application was filed by the Petitioner/claimant for releasing of the amount of Rs.5 lacs which was deposited in the Bank which he got as compensation for the motor accident in which he sustained injuries. The amount was deposited in the Bank for a fixed period. The amount was sought to be released so as to meet the debts that the Petitioner has taken from his father-in-law.

2. Learned Counsel for the Petitioner submits that the financial condition of the Petitioner/claimant was in a very bad stage and that for incurring medical expenses and the other expenses to sustain the family, he had taken

certain amount of money as loan from his father-in-law with an understanding that on getting the compensation amount from the award of the MACT, he would repay the same. However, the MACT has ordered for depositing the same in the Bank in a fixed deposit and therefore he is not able to repay the amount which he has taken from his father-in-law.

3. Taking into consideration the total facts and circumstances, this Court is of the opinion that an amount of Rs.2 lacs be released to the Petitioner for meeting the said financial requirements and the remaining amount of Rs.3 lacs shall remain as it is in the fixed deposit of the Bank for the period and conditions as has been fixed by the Tribunal.

4. With the aforesaid direction, the Writ Petition has been allowed.

Sd/-
(P. Sam Koshy)
JUDGE