

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 270 of 2016**

Smt. Sukbati W/o Late Dayaluram, Caste Gond, Aged About 36 Years
R/o Village Khursitikur (Jabkonhada), Tahsil Doundi, District Balod,
(Chhattisgarh)

---- Petitioner

Versus

1. Bajrangi Yadav S/o Nankuram Yadav, R/o Bhikhampur, Police Station Aaspur (Devsara), District Pratapgarh (Uttar Pradesh)
2. Samar Bahadur Yadav, S/o Mahantraj Yadav, R/o Kumharpara, Talapara, Bilaspur, District Bilaspur, (Chhattisgarh)
3. National Insurance Company Limited, Through The Branch Manager, Branch Office, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner:
For Respondents:

Mr. S.K. Agrawal, Advocate
None.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.04.2016**

1. The present petition has been filed challenging the order dated 28.01.2016 passed by the Motor Accident Claims Tribunal, Balod in Misc. Case No. 07/2016 whereby an application put forth by the Petitioner for disbursement of compensation amount deposited as fixed deposit in her name be released to her so that she could get her dilapidated house in which she resides can be repaired has been rejected.
2. Learned Counsel for the Petitioner has enclosed the photographs

showing the dilapidated condition of the house and prays that she needs the repair of the house before monsoon season and urges that the house is in very dilapidated condition. He further submits that for the said purpose he had moved an application for release of an amount of Rs. 2.5 lakhs which is deposited in her name in the scheduled bank as per the order dated 09.04.2015 by the Motor Accident Claims Tribunal, Balod. During the course of the arguments the Counsel for the Petitioner prays for at least 1.25 lakhs may be released for the moment.

3. Taking into consideration the total facts and circumstances of the case and also looking to the condition of the house belonging to the Petitioner which apparently needs urgent repair, it is ordered that an amount of Rs. 1.25 Lakhs be released to the Petitioner at the earliest and the remaining amount of Rs. 1.25 lakhs shall remain deposited in the bank as per the order dated 09.04.2015 of the Motor Accident Claims Tribunal, Balod.

4. Accordingly, the impugned order dated 28.01.2016 is hereby set aside and quashed, and the amount of Rs. 1.25 lakhs as prayed for by the Petitioner may be released as early as possible.

5. With the aforesaid observation the Writ Petition stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE