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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 312 of 2016**

1. Smt. Madhulata Singh Parihar W/o Late Shri Akhilesh Singh Parihar, Aged About 26 Years
2. Sanskar Singh Parihar S/o Late Shri Akhilesh Singh Parihar, Aged About 4 Years
3. Smt. Vaidehi Singh Parihar W/o Rajendra Singh Parihar, Aged About 55 Years

Appellant No. 2 is minor, through The Legal Guardian Mother Smt. Madhulata Singh Parihar W/o Late Shri Akhilesh Singh Parihar

All R/o Village Sambalpur, Post Chakarbhatha, P.S. Mungeli, Tahsil & District Mungeli, Chhattisgarh

---- Petitioners**Versus**

1. Ramdeen Sahu S/o Pitamber Sahu, Aged About 24 Years R/o Village Dhodhma Naya Para, P.S. Jarhagaon, Tahsil Jarhagaon, District Mungeli Chhattisgarh
2. Mahendra Singh S/o Roshan Singh, R/o H.I.G. 22, Arya Colony, Tifra, Bilaspur, P.S. Sirgitti, Tahsil & District Bilaspur Chhattisgarh
3. The Oriental Insurance Company Limited, Thorugh Its Branch Manager, Branch Office Rama Trade Center, In Front Of Rajeev Plaza, Tahsil & District Bilaspur Chhattisgarh

---- Respondents

For Petitioners	: Ashish Gupta, Adv.
For Respondents	: Not noticed.

Order On Board**06/05/2016**

1. Heard on motion.
2. Facts in brief necessary for adjudication of the case are that the petitioners/applicants filed a claim case under Section 166 of the Motor Vehicles Act, 1988 which was registered as MACT No. 306/14. The Additional Motor Accident Claims Tribunal, Bilaspur vide award dated 3-3-2016 in para 28 ordered that petitioner No. 1 is entitled for compensation of Rs. 8,53,420/- and the petitioner No. 3 is entitled for compensation of Rs. 5,00,000/-. The Tribunal further directed that out of above amount Rs. 5 lacs and Rs. 3 lacs be deposited in fixed deposit for a period of three years in a nationalized bank. As per the award, the amount was deposited in FD in the name of petitioner No. 1 on 13-5-2015 for Rs. 5 lacs and in the name of petitioner No. 3 on 13-5-2015 for 3 lacs. Both the petitioners had filed an application before the trial Court for premature encashment of said

fixed deposit. Court below vide order dated 21-3-2015 held that as Petitioner No. 1 is in service in police department on compensatory ground, she may get loan from her department and also they are capable to get financial assistance from bank for constructing house and as the amount was deposited by considering welfare of the petitioner, also the original record is not in the court, consequently, dismissed the application for encashment of said FD prematurely. Against said order, the petitioner filed instant writ petition wherein it is prayed that they have purchased a land on 23-7-2015. They want to construct a house on the said land hence the order passed by the court below may be quashed. The court below be directed to encash the said FD in favour of the petitioners No. 1 and 3.

3. Heard learned counsel for the petitioners.
4. Learned counsel for the petitioners supported the grounds taken in the petition and submitted that this court vide order dated 18-3-2016 passed in WP227 No. 193/2016 and order dated 7-1-2016 passed in WP227 No. 01/2016 allowed the part of encashment of fixed deposit. Instant petition is fully covered by above orders, hence the relief as sought may be granted.
5. To appreciate the arguments advanced in this behalf, instant writ petition, impugned order dated 21-3-2016, award dated 3-3-2015 and the copy of the sale deed are perused.
6. As view of settled law, it is the welfare of the petitioners which has to be considered. As apparent, the petitioner No. 1 is an employee in the police department on compensatory ground. From perusal of the sale deed, it appears that the same is not registered before the competent authority. Therefore, this can very well be held as alleged instrument is unregistered. Also the said alleged sale deed is not in favour of the petitioner No. 3. Premature encashment of the fixed deposit is discretionary and may be appreciated on the basis of the facts and circumstances which may defer from case to case.
7. Said sale deed is not a registered sale deed. No consideration can be attached on it as the same is not a registered sale deed and required to be registered under the law. The petitioner No. 1 is employed in the

police department. Petitioner No. 3 has not purchased any property and the court below directed for fixed deposit some part of money out of the award amount for a very small period i.e. for 3 years. The case law cited are of no help to the petitioners. The present matter is not covered with those cited case laws.

8. In view of above, I do not see any illegality, impropriety or incorrectness in the impugned order. Consequently instant writ petition is dismissed.
9. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge