

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 193 of 2016**

1. Prem Das Manikpuri S/o Late Ram Lal, Aged About 45 Years R/o Village Panchayat Khurdur Tahsil Kota Thana Kota District Bilaspur Chhattisgarh
2. Smt. Son Bai, W/o Prem Das Manikpuri, Aged About 43 Years R/o Village Panchayat Khurdur Tahsil Kota Thana Kota District Bilaspur Chhattisgarh
3. Ku. Isha Manikpuri, D/o Prem Das Manikpuri, Aged About 16 Years Appellant No. 3 Are Minor Through His Legal Guardian Father (Prem Das Manikpuri) R/o Village Panchayat Khurdur Tahsil Kota Thana Kota District Bilaspur Chhattisgarh

---- Petitioners**Versus**

1. Rajesh Rao S/o Ganesh Rao, Aged About 35 Years R/o Village Pandri, Thana Masturi, District Bilaspur Chhattisgarh Driver Of The Offending Vehicle Truck Haiwa No. C.G. 10/C. 5230.
2. Vikash Tamrakar S/o D.S. Tamrakar, Aged About 45 Years R/o Village Devendra Nagar Shiva Ji Marg Tikrapara Thana Tarbahar, Tahsil & District Bilaspur Chhattisgarh Owner Of The Offending Vehicle Truck Haiwa No. C.G. 10/ C.5230.
3. The Branch Manager, Cholamandalam M.S. General Insurance Company Limited, Branch Office Old Bus Stand Rajeev Plaja, District Bilaspur Chhattisgarh, Insurer Of The Offending Vehicle Truck Haiwa No. C.G. 10/ C. 5230.

---- Respondents

For Petitioners:

Mr. Goutam Khetrapal, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18.03.2016**

1. The present petition has been filed challenging the order dated 19.02.2016 passed by the First Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in case No. 229/2014 whereby an application put forth by Smt. Son Bai / Petitioner No. 2 for release of compensation amount deposited as fixed deposit in her name so

that she could get her dilapidated house repaired was rejected.

2. Learned Counsel for the Petitioners relied upon an order passed by the coordinate bench of this Court in WP(227) 579 of 2014 wherein under somewhat identical factual situation the amount so deposited has been released to the Petitioner. In the present case the Petitioner No.2 has also enclosed the photographs showing the dilapidated condition of the house.
3. Learned Counsel for the Petitioners further submits that an amount of Rs. 3.49 Lakh was awarded by the Tribunal, out of which Rs. 2 lakh has been granted to Petitioner No. 2 and an amount of Rs. 1 lakh has been granted to the Petitioner No. 1 & Petitioner No.3. The amount awarded to Petitioner No.2 may be released so that repair work of the house can be made.
4. Taking into consideration the total facts and circumstances of the case and also looking to the condition of the house belonging to the Petitioner No. 2, this Court is of the opinion that it is a fit case where in the amount deposited in the name of Petitioner No.2 can be released for the said purpose.
5. Accordingly, the impugned order dated 19.02.2016 is hereby set aside and quashed, and the amount as prayed for by the Petitioner No. 2 deposited in her name be released as early as possible.
6. With the aforesaid observation the Writ Petition stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE