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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 424 of 2016**

1. Smt. Sandhya Rani Nag W/o Late Rajendra Kumar Nag, Aged About 40 Years .
 2. Ku. Apurva Nag D/o Late Rajendra Kumar Nag, Aged About 23 Years .
 3. Sumit Nag S/o Late Rajendra Kumar Nag, Aged About 18 Years .
- All are resident of House of Santulal Banjare, Mahamaya Bhawan, Green Park Colony, in front of S.B.R. College, Bilaspur, Tahsil & District -Bilaspur (C.G.)

---- Petitioners**Versus**

1. Mohanchand Hathgen S/o Mithailal Hathgen, R/o House No 37/01, Kasimpara Torwa, Tahsil & District Bilaspur, At Present Branch Manager, State Bank Of India, Mungeli Branch District Mungeli Chhattisgarh
2. The Divisional Manager, The New India Insurance Company Limited, Rama Trade Centre, Second Floor, In Front Of Rajeev Plaza, Near Old Bus Stand Bilaspur Chhattisgarh

---- Respondents

For Petitioners : Shri CP Lahrey, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****18/07/2016**

1. By the impugned order, the Claims Tribunal has rejected petitioners' application for premature withdrawal of the awarded amount which the petitioners had prayed on account of allotment of house by the Chhattisgarh Housing Board (for short 'the Board') and for payment thereof.
2. The Motor Accident Claims Tribunal awarded a sum of Rs.50,03,475/- on 14-5-14, out of which Rs.10,75,000/- has been deposited as fixed deposit in the name of claimant No.1 Smt. Sandhya Rani Nag, amount of Rs.10Lakhs each has been deposited as fixed deposit in the name of claimant No.2 & 3 namely; Ku. Vandana Nag and Ku. Apurva Nag and further amount of

Rs.12Lakhs was deposited as fixed deposit in the name of claimant No.4 Sumti Nag.

3. The subject application was preferred on behalf of Smt. Sandhya Rani Nag, Ku. Apurva Nag and Sumit Nag on the ground that by letter of allotment (Annexure P-4) the Estate Officer, Chhattisgarh Housing Board, Bilaspur has allotted one 4 BHK Flat (Ahsas), Block-C, Flat No.102, First Floor, valued at Rs.44.24Lakhs, therefore, for depositing the installment of the said allotment, the petitioners need the amount by withdrawing the same prematurely. Petitioners have also prayed that some amount is needed for engineering course (Master of Science) of Ku. Apurva Nag, for which total 30Lakh rupees would be needed out of which 10 Lakhs is to be deposited for the present.
4. In respect of engineering course (M.Sc.) no documents have been submitted, therefore, the Claims Tribunal has rightly rejected the said part of the application. Insofar as the amount for deposit of installment with the Board is concerned, as and when the Board raises demand, the Claims Tribunal shall allow the petitioner to prematurely withdraw the amount deposited in the name of claimants Smt. Sandhya Rani Nag and Ku. Apurva Nag. While permitting such withdrawal, the Claims Tribunal shall directly remit the amount by issuing cheque in the name of Chhattisgarh Housing Board and the amount shall not be handed over to the petitioners.
5. With the above direction, the writ petition stands disposed of.

Sd/-

Judge
Prashant Kumar Mishra

Ashu