

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 667 of 2016**

1. Dropati Bai W/o Late Raj Kumar Goand, Aged About 24 Years
2. Anshu S/o Late Rajkumar Goand Aged About 2 & 1/2 Years Minor Represented Through Mother Dropati Bai.
3. Smt. Mangalin Bai W/o Late Khorbahara Goand Aged About 52 Years

All are R/o Village Lachhanpur, Thana Lormi, District Mungeli,
(Chhattisgarh)

---- Petitioners**Versus**

1. Vishanu Yadav S/o Bedram Yadav, Aged About 28 Years R/o Village Salfa Maniyari Thana Hirri, Distt. Bilaspur (Chhattisgarh) (Driver Of The Offending Vehicle Haiwa No. C.G.10/C/7173)
2. Krishana Jaiswal Mukesh S/o Dhanjay Aged About 34 Years R/o Nowa Office Beyer House Road Mahamaya Bihar Tiwari Colony Bilaspur (Chhattisgarh).....(Owner Of The Offending Vehicle Haiwa No. C.G.10/C/7173).
3. Branch Manager, The New India Insurance Company L.T.D. Branch Office In Front Of Rajeev Plaja Rama Tred Center 2nd Floor Bilaspur (Chhattisgarh).....(Insurer Of The Offending Vehicle Haiwa No. C.G.10/C/7173).

---- Respondents

For Petitioners : Shri AL Singroul, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/11/2016**

1. Petitioners' claim petition under Section 163 of the Motor Vehicle Act, 1988 was allowed by the Claims Tribunal on 24.04.2015 allowing compensation of Rs.44200/- in their favour along with interest @ 6 % per annum from the date of filing of claim petition.

2. Projecting requirement of funds for repairing of the house the petitioners moved an application for premature withdrawal of the award amount, which has been rejected by the learned Claims Tribunal by the impugned order.
3. It is argued that the petitioners require funds for repairing of house, therefore, the Claims Tribunal should have allowed the prayer in favour of applicant Dropati Bai.
4. While rejecting the prayer the Claims Tribunal has observed that the photograph of the house which requires reconstruction or repairing has not been certified to be belonging to the petitioner. Even otherwise, the sole bread winner of the family has died and the family consists not only of Dropati Bai, who is a widow aged about 24 years but a minor son aged about 2 & ½ years is also depending upon the awarded amount, therefore, considering the entire facts situation of the case, this Court is of the considered opinion that the Claims Tribunal has not committed any illegality or material irregularity in rejecting the prayer for premature withdrawal.
5. There is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Ashu