

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR No. 154 of 2017**

- Smt. Sunita W/o Late Vishal Sonwani, Aged About 21 Years Occupation House Wife R/o Village Namnakala East Jhanjhatpara, Police Station & Tehsil Ambikapur, District Surguja, Chhattisgarh. (Claimant No. 1)

---- Applicant**Versus**

1. Guddu Ram S/o Pansai, Aged About 43 Years Occupation Driver (Tractor No. C G 15 A E 4599) R/o Satipara Ambikapur Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh.
2. Virendra Kumar Vaishnav S/o Parasnath Aged About 45 Years Occupation Owner (Tractor No. C G 15 Ae 4599) R/o Village Jamgala Post Latori, Police Station & Tahsil Lakhanpur District Surguja, Chhattisgarh.
3. Branch Manager, The Oriental Insurance Company Ltd. Manendragarh Road Near Ambedkar Chowk Nagar Ambikapur, District Surguja, Chhattisgarh. (Respondents)
4. Vivek Sonwani S/o Late Vishal Sonwani, Aged About 2 Years Occupation Nil Res. No. 4 Is Minor Through Natural Guardian Mother Smt. Sunita, R/o Village Namnakala East Jhanjhatpara, Police Station & Tehsil Ambikapur District Surguja, Chhattisgarh. (Claimant)
5. Raja Ram Sonwani S/o Late Kamal Sai Aged About 50 Years Occupation Band Baja Master, R/o Village Namnakala East Jhanjhatpara, Police Station & Tehsil Ambikapur District Surguja, Chhattisgarh. (Claimant)
6. Smt. Ramkumai Sonwani W/o Raja Ram Sonwani, Aged About 45 Years R/o Village Namnakala East Jhanjhatpara, Police Station & Tehsil Ambikapur District Surguja, Chhattisgarh. (Claimant)

---- Respondents

For Petitioner/Applicant : Shri A.N.Pandey, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****07/09/2017**

1. Heard on admission.
2. This is a revision preferred under Section 115 of the Code of Civil

Procedure, 1908 (hereinafter referred to as the Code of 1908 in short) against the order dated 24.07.2017 passed by the National Lok Adalat Bench No.1, Ambikapur (Surguja) under Central Registration (Motor Accidents Claim) No.233/2015, by which, the applicant's application for withdrawal of amount of Rs.1,30,500/- has been refused.

3. Shri A.N.Pandey, counsel for the applicant submits that by virtue of award dated 12.12.2015, the claimant's rest of compensation amount of Rs.1,30,500/- is deposited in Vijaya Bank, Branch Ambikapur under TDR No.264552. It is submitted in the application filed for withdrawal of the said amount that since after the death of her husband in a motor accident, she has solemnised the marriage with her husband's younger brother in March, 2016, and out of their wedlock, a child was born. It is submitted further that since the source of income of her husband is not sufficient, and therefore, she wanted to open a grocery shop in the house of her father-in-law Rajaram and for which, the said amount is needed for the said purpose. He submits further that without considering the specific reasons as mentioned in the said application for withdrawal of the said amount, the concerned Lok Adalat has erred in rejecting the same by way of its impugned order dated 24.07.2017, therefore, it deserves to be set aside and the applicant may be permitted to withdraw the said amount of Rs.1,30,500/-, as deposited in the Vijaya Bank, Branch Ambikapur under TDR No. 264552.

4. I have heard learned counsel for the petitioners and perused the entire relevant papers annexed with this revision petition carefully and I am inclined to allow this application.

5. While rejecting the application, the concerned Lok Adalat has not at all considered any of the grounds, as mentioned in the said application for withdrawal of the said amount of Rs.1,30,500/- deposited in Vijaya Bank, Branch Ambikapur under TDR No. 264552. It was mentioned very specifically in the said application that since the source of income of her husband is not sufficient, and therefore, she

wanted to open a grocery shop of her own in the house of her father-in-law and for which she is in need of money. However, the contents as mentioned in the application were not considered while rejecting the same. Under the facts and circumstances of the case and that by taking into consideration the reasons assigned in the application for the alleged need, I am of the opinion that the need of the applicant for withdrawal of the said amount is genuine and bona fide. Therefore, while setting aside the order impugned dated 24.07.2017 passed by the concerned Lok Adalat, I hereby permit the applicant for withdrawal of the entire amount of Rs.1,30,500/- deposited in the Vijaya Bank, Ambikapur Branch under TDR No.264552.

6. With the above, the civil revision is allowed. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge