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HIGH COURT OF CHHATTISGARH, BILASPUR**CR No. 182 of 2017**

(Arising out of judgment/order dated 12.10.2017 in mAC No. 250/2011 of the learned 1st Additional Motor Accidents Claims Tribunal, Ambikapur)

- Ankit Rawat S/o Late Bhuneshwar Rawat, Aged About 19 Years Occupation Student, R/o Mohalla Shivdhari Colony Nagar- Ambikapur, P. S. And Tehsil Ambikapur, District Surguja, Chhattisgarh (Claimant No.2.)

---- **Petitioner****Versus**

1. Seetaram S/o Prahalad, Aged About 45 Years Occupation Driver, R/o Shaktinagar, Present R/o Chanduwar, P. S. Shaktinagar, District Sonbhadra, Uttar Pradesh. (Driver).
2. Smt. Badama Devi, W/o Pannalal, Aged About 50 Years Occupation Owner , R/o Q. N. 229, N. C. L. Beena Project Sonbhadra, District Sonbhadra, Uttar Pradesh. (Owner).
3. Branch Manager, The Oriental Insurance Company Ltd., Branch Office Gourav Complex Beena Road Anpara, Uttar Pradesh. Through Branch Manager, Oriental Insurance Company Ltd. Ambedkar Chowk, Manendragarh Road, Ambikapur, District Surguja, Chhattisgarh. (Insurer).
4. Mukesh Kumar Soni, S/o Krishna Prasad Soni, Aged About 28 Years Occupation Driver, R/o Q. N. 177, Near Vipanan Sahkari Institute Ambikapur Presently R/o Sattipara Near Primary School Ambikapur, District Surguja, Chhattisgarh. (Driver).
5. Smt. Rakhi Soni, W/o Deepak Kumar Soni, Aged About 38 Years R/o Ward No. 32, Under Gurudwara Gali School Road, Nagar Ambikapur, P. S. And Tehsil Ambikapur, District Surguja, Chhattisgarh. (Owner)
6. Branch Manager, United Insurance Company Ltd. Branch Office Brahm Road, Ambikapur, District Surguja, Chhattisgarh.
7. Suraj Rawat, S/o Late Bhuneshwar Rawat, Occupation Service, R/o Mohalla Shivdhari Colony Nagar, Ambikapur, P. S. And Tehsil Ambikapur, District Surguja, Chhattisgarh.
8. Prakash Rawat, S/o Late Bhuneshwar Raout, Aged About 19 Years R/o Mohalla Shivdhari Colony Nagar, Ambikapur, P. S. And Tehsil Ambikapur, District Surguja, Chhattisgarh..
9. Ku. Priyata Rawat, D/o Late Bhuneshwar Rawat, Aged About 22 Years R/o Mohalla Shivdhari Colony Nagar- Ambikapur, P. S. And Tehsil Ambikapur, District Surguja, Chhattisgarh. (Respondents No. 7 to 9 are claimants)

---- **Respondents**

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

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

07/11/2017

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 12.10.2017 passed by the 1st Additional Motor Accidents Claims Tribunal, Ambikapur (Surguja) in MAC No. 250/2011 and other connected matters, by which, the application filed by the applicant has been allowed in part by permitting him for withdrawal of a sum of Rs.50,000/- deposited in the Nationalised Bank, i.e., United Bank of India.
3. Shri A.N.Pandey, counsel for the applicant submits that on account of the accident occurred on 01.06.2011, the mother of the applicant, namely, Kanti Bai expired. Owing to said accident, a claim enumerated under Section 166 of the Motor Vehicles Act, 1988 has been made, which was registered as Claim Case No. 3/2012. After considering the application, the learned Claims Tribunal, vide its award dated 26.03.2014, has awarded a total compensation amount of Rs.13,59,000/- in favour of the applicant, his brothers and sisters on account of death of their mother. It is submitted further that as per the direction of the learned Claims Tribunal, a sum of Rs.2,41,300/- has been directed to be deposited in the Nationalised Bank for a period of 7 years and accordingly, the said amount was deposited in the name of the applicant Ankit Rawat in the Nationalised Bank, namely, United Bank of India in Account No. 1554100020688. It is put forth by the counsel that three years after the aforesaid deposition in the Nationalised Bank, the marriage of his sister, namely, Priyata Rawat is settled and is going to be

solemnised on 19th November, 2017. In view of the said fact, an application in this regard has been made for withdrawal of the said amount of Rs.2,41,300/- as deposited in the Nationalised Bank.

4. After considering the application filed by the applicant, it was observed by the learned Claims Tribunal that the marriage of the applicant's sister is going to be solemnised on 19.11.2017 and by taking into consideration the said fact, the said application has been allowed in part by permitting him for withdrawal of sum of Rs.50,000/- only.

5. Being aggrieved, the instant revision petition has been filed praying for withdrawal of entire amount as deposited in the Nationalised Bank.

6. I have heard learned counsel for the petitioners and perused the entire relevant papers annexed with this revision petition carefully.

7. Having considered the facts and circumstances of the case, particularly, with regard to the fact that the marriage of the applicant's sister is going to be solemnised on 19.11.2017 and by taking into consideration the price hike of the essential commodities, the withdrawal of the amount, as directed by the Claims Tribunal, deserves to be and is hereby enhanced to the extent of Rs.1,00,000/- (Rupees one lakh only) more.

8. With the above, the civil revision is allowed in part and in addition to the amount of Rs.50,000/- as granted by the Claims Tribunal the applicant is permitted to withdraw further sum of Rs.1,00,000/- (Rupees one lakh only) as deposited in the Nationalised Bank, namely, United Bank of India in Account No. 1554100020688. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge