

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 143 OF 2017**

1. Awadesh Kumar S/o Lalman, Aged About 40 Years, Caste Sahu.
2. Jamuntri Bai, W/o Awadesh Kumar, Aged About 38 Years, Caste Sahu.
3. Ku. Babita, D/o Awadesh Kumar, Aged About 15 Years, Caste Sahu

Petitioner No. 3 is minor, through represented by natural guardian father (Petitioner No. 1)

All are R/o Village Tolga, Post Bachra Podi, P.S. & Tehsil Khadgawan, District Koriya, (Chhattisgarh)

---- **Petitioners**

Versus

1. Sunil S/o Salyaam @ Satyendra Naai, Aged About 45 Years (Driver), R/o Kothari Side, Godripara, P.S. Chirmiri, Tehsil Khadgawan, District Koriya, (Chhattisgarh)
2. Moolchand, S/o Laxman, Aged About 35 Years (Vehicle Owner), R/o Village Sakria, P.S. & Tehsil Khadgawan, District Koriya, (Chhattisgarh)
3. The Oriental Insurance Company Ltd., Branch Office, Ambikapur, District Sarguja, (Chhattisgarh)

---- **Respondents**

For Petitioners : Mr. Pushkar Sinha, Advocate

Hon'ble Shri Sanjay Agrawal, J.

Order On Board

21/02/2017

1. Heard on admission.
2. This is a petition filed by the claimants under Article 227 of the Constitution of India by questioning the order dated 24/10/2016, by which, learned Second Additional Motor Accident Claims Tribunal, Manendragarh District Koriya (hereinafter referred to as 'the Claims Tribunal') has declined to modify the condition as imposed in the order dated 10/08/2016 granting interim amount of compensation to the claimants under certain terms and conditions mentioned therein.

3. Learned counsel for the petitioners submits that by way of order dated 10/08/2016, the Claims Tribunal while entertaining the application filed under Section 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'M.V. Act') has awarded the interim award of Rs. 50,000/-. While passing the said interim award, it was directed that share of petitioner No. 3-Ku. Babita will be deposited and kept in the Nationalized Bank till she attained her majority. According to the petitioners, the condition as imposed by the Claims Tribunal is not sustainable in view of the object behind enacting the provision prescribed under Section 140 of the M.V. Act. He submits further that the purpose for granting award under the said provision would be frustrated if such a condition is not deleted from the said order. He, therefore, submits that the Claims Tribunal has erred in refusing to delete the same by its impugned order and submits for the modification of the interim award dated 10/08/2016 accordingly.

4. I have heard learned counsel appearing for the petitioners and perused the impugned order as well as the interim award dated 10/08/2016 carefully.

5. The Claims Tribunal by its interim award dated 10/08/2016 has awarded a sum of Rs.50,000/- as interim amount of compensation payable to the petitioners while entertaining the application filed under Section 140 of the M.V. Act. While awarding as such, the Claims Tribunal has imposed certain conditions, by which, it has been directed that the amount with regard to the share of petitioner No. 3 be kept and deposited in the Nationalized Bank till she attained the age of majority. However, such a condition in the opinion of this Court would defeat the very purpose of the provision prescribed under Section 140 of the M.V. Act. The object behind enacting the provision prescribed under Section 140 of the M.V. Act is to provide immediate and expeditious relief to the victim under the "No Fault Liability". If any condition is imposed while passing the order under Section

140 of the M.V. Act, then the entire purpose in enacting said provision would be frustrated.

6. Consequently, the condition as imposed by the Claims Tribunal while passing the award granting interim amount of compensation on 10/08/2016 is hereby modified and it is directed that the entire interim amount of compensation of Rs. 50,000/- be disbursed to the petitioners/claimants.

7. With the aforesaid modification, the petition stands disposed of.

Sd/-

(Sanjay Agrawal)
Judge

Yogesh