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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.340 of 2017**

1. Smt. Pancha Bai Kaushik D/o Shri Uttara Kumar Kaushik, Aged About 55 Years R/o Village Kathakoni, P. S. & Tehsil Takhatpur, District Bilaspur (Chhattisgarh).
2. Shri Uttara Kumar Kaushik Aged About 55 Years R/o Village Kathakoni, P. S. & Tehsil Takhatpur, District Bilaspur (Chhattisgarh).
3. Ku. Poonam Kaushik D/o Shri Uttara Kumar Kaushik, Aged About 21 Years R/o Village Kathakoni, P. S. & Tehsil Takhatpur, District Bilaspur (Chhattisgarh).

---- Petitioners**Versus**

1. Brijesh Singh Bargahi S/o Kalyan Singh Bargahi, Aged About 30 Years R/o Village Koluha Post Jaitpur District Shahdol (Madhya Pradesh).
2. Abdul Samad, S/o Abdul Wahid, Aged About 32 Years R/o Village Mahanad Road Lalkhadan, P. S. Sirgitti Tehsil & District Bilaspur (Chhattisgarh).
3. The Oriental Insurance Company Ltd. Branch Bilaspur, Office Rama Trade Center First Floor, Near Old Bus Station, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh).

---Respondents

For Petitioner : Mr. A.K. Yadav, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

03/05/2017

(1) The present petition has been filed by the petitioners challenging the order dated 12.04.2017 passed by the Motor Accident Claim Tribunal, Bilaspur whereby an application filed by Smt. Pancha Bai Kaushik/petitioner No.1 for release of compensation amount deposited as fixed deposit by the Claims Tribunal for permitting her to withdraw

an amount of Rs.3,70,142/- for marriage of her daughter/petitioner No.3, which has been rejected by the Tribunal by the order impugned.

(2) Learned counsel appearing for the petitioner submits that an amount of Rs.7,21,000/- was awarded by the Tribunal, out of which Rs. 50,000/- has been granted to Petitioner No.1 & Petitioner No.2 through account payee and rest of the amount has been deposited in a fixed deposit in the Oriental Bank of Commerce, Collectorate Branch, Bilaspur. He submits that an amount awarded to the Petitioners No.1 & 2 may be released so that marriage of petitioner No.3 can be made. He further submits that the Claims Tribunal without considered the application of the petitioners on the merit and has been rejected the application, which is perverse and unsustainable in law which ought to have been allowed the application of the petitioners.

(3) I have heard learned counsel appearing for the petitioner and perused the impugned award with utmost circumspection.

(4) After hearing learned counsel for the petitioner, I am of the opinion that the Claims Tribunal has failed to take the decision of the Supreme Court in the matter of **A.V. Padma & Others Vs. R. Venugopal & Others**¹ and failed to consider the application of the petitioners and their need in its proper prospective. Deposited amount has been claimed for the purpose of marriage of petitioner No.3. Learned Claims Tribunal ought to have considered the application showing concern for their need but it has rejected very casually and in a cryptic manner which is absolutely impermissible

(5) Accordingly, the impugned order dated 12.04.2017 is hereby set

¹ 2012 (2) C.G.L.J. 322

aside and quashed and the Claims Tribunal, Bilaspur is directed to consider the application of the petitioners afresh within a period of seven days from the date of receipt of copy of this order on or before **12th May, 2017**. The Claims Tribunal will decide the application of the petitioners keeping in mind the decision of the Supreme Court in the matter of **A.V. Padma & Others Vs. R. Venugopal & Others** (supra) and giving consideration to their need shown.

(6) With the aforesaid observation, the writ petition stands finally disposed of.

(7) Certified copy by tomorrow i.e. 04.05.2017.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-