

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 36 of 2017

- Fulkunwar W/o Late Chohit Bhariya, Aged About 77 Years,
R/o Gorakhpur, Bhariyan Mohalla, Police Station & Tahsil
Pendraroad, District Bilaspur, (Chhattisgarh)

---- Petitioner

Versus

1. Ramesh Kol S/o Shri Surajbali Kol, Aged About 21 Years,
R/o Foladafai, Khongapani, Manendragarh, District Korea,
(Chhattisgarh)
2. Mohd. Faridudin, S/o Shamsuddin, Aged About 33 Years,
R/o Ward No.5, Hanumanganj, Pendra, Police Station &
Tahsil Pendraroad, District Bilaspur, (Chhattisgarh)
3. The Oriental Insurance Company, Bilaspur, District Bilaspur,
(Chhattisgarh)

---- Respondents

For Petitioner	Shri Dashrath Prajapati, Advocate
For Respondent Nos.1 & 2	Shri Aditya Khare, Advocate
For Respondent No.3	Shri R. N. Pusty, Advocate on advance copy

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/01/2017

1. On account of death of petitioner's son Kunwarelal in an
accident happened on 08.09.2014, she was awarded
compensation of Rs.3,00,200/- along with interest @ 6%
from the date of application till realization vide award passed
by the Motor Accidents Claims Tribunal, Pendraroad on

27.01.2016 in Motor Accident Claim Case No.7/2015. In the said award, it was directed that amount of Rs.2,50,000/- be deposited in the fixed deposit for a period of 3 years.

2. On appeal preferred by the Insurance Company, the High Court in MAC No.503/2016 has passed interim order on 13.04.2016 directing that on appellant's depositing amount of Rs.2 lacs within a period of 2 months, recovery of the balance amount shall remain stayed and the amount so deposited shall be disbursed to the claimant as per award.
3. The petitioner moved an application for withdrawal of amount of Rs.1 lac before the Claims Tribunal, which has been rejected by the impugned order.
4. It appears, in the award itself it was directed that a sum of Rs.2,50,000/- be deposited in the fixed deposit for a period of 3 years, meaning thereby that any amount over and above the said amount shall be paid to the petitioner. However, the High Court has directed the Insurance Company to deposit the amount of Rs.2 lacs and recovery of the balance amount has been stayed.
5. Considering the terms of the award, the interim order passed by the High Court in MAC No.503/2016, the age of the petitioner and for the fact that there is no other surviving member in the family, therefore, the petitioner would desire to spend the amount during her life time, ends of justice

would be served if the amount of Rs.1 lac is transferred by the Claims Tribunal in the bank account of the petitioner. Thereafter, the bank where the petitioner's account is lying shall allow the petitioner to withdraw an amount not more than Rs.5,000/- once in a fortnight. A copy of this order be sent to the concerned MACT, who in turn shall send a copy to the concerned bank.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala