

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 22 of 2017**

Ku. Lucky (Minor) D/o Nathmal Dahiya, Aged About 8 Years Through Her L R.: Kanwar Lal Goyal (Maternal Grandfather), S/o Shankar Lal, Aged About 77 Years, R/o Ramaiah Ward, Jagdalpur, Distt. Bastar (Chhattisgarh)

---- **Petitioner**

Versus

1. Rizwan Amin Bhosadi S/o Haji Mohammad Azim Bhosadi, Aged About 31 Years R/o Borgaon, Police Station Keshkal, Distt. Bastar (Chhattisgarh) (Owner)
2. Parmanand, S/o Ramuram Yadav, Aged About 53 Years R/o Masjid Para Keshkal, Distt. Bastar (Chhattisgarh) (Driver)
3. Branch Manager, Reliance General Insurance Company, Ravi Bhawan, 4th Floor, Jaistambh Chowk, Raipur, (Chhattisgarh)

---- **Respondents**

For Petitioner

Ms. K. Tripti Rao, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/01/2017**

1. The present petition under Article 227 of the Constitution of India has been filed assailing the order dated 31.10.2015 passed in Execution Case No.43/2012 by the Illrd Additional Motor Accident Claims Tribunal, Jagdalpur (in short, the Tribunal).
2. The facts relevant for disposal of this petition is that, the petitioner in the present case Ms. Lucky (minor) through her guardian had filed a claim case before the Tribunal on account of death both her parents which was registered as Claim Case No.439 of 2009. The Tribunal vide its order dated 09.10.2015 has allowed the claim application and ordered for payment of Rs.6,92,684/- inclusive of interest as compensation to be paid to the

present petitioner. The said order subsequently was honored by the Insurance Company and the amount has already been deposited at Punjab National Bank, Branch at Jagdalpur, with a liberty to the minor petitioner to withdraw the amount of interest that accrues on the compensation amount deposited with the Bank.

3. The grievance of the petitioner in the instant case is that she is being represented and taken care by her maternal grandfather with whom the petitioner is staying and is being brought up. The said guardian i.e. her maternal grandfather is aged about 77 years old and does not have sufficient source of income and therefore he had moved an application before the court below for release of entire interest amount which is lying in the bank as compensation amount deposited and also a lump sum amount of rupees one Lakh from the principal compensation amount so as to meet the expenses which has already been incurred and also to be incurred in respect of bringing up of the minor.
4. Counsel for the petitioner draws the attention of the court towards Annexure P/3 and submits that maternal grandfather of the petitioner inspite of financial constraints have spent about more than 2.5 Lakhs in bringing up of the minor Lucky and that in order to sustain further he has moved the said application. Therefore, this court may take a sympathetic view and allow the petition by granting permission to withdraw certain amount for meeting the legal necessity of the minor.
5. Having heard the contention put forth by counsel for the petitioner, what is not in dispute is the fact that initially the Tribunal has awarded an amount of Rs.5,32,000/-towards compensation and has further awarded interest on

the said amount and thus total amount of compensation inclusive of interest was Rs.6,92,684/- which has been deposited in the bank by way of fixed deposit.

6. True it is that the petitioner is a minor and is now aged about 8 years and is school going. At this juncture the expenses to be incurred upon and meeting of such expenses by a 77 years old man without having any permanent and strong source of income would be very difficult and in the process the petitioner itself would be suffering for want of sufficient money available with the maternal grandfather.
7. Thus, in the overall factual matrix of the case and taking into consideration the fact that maternal grandfather of the petitioner with whom the minor petitioner is residing is permitted to withdraw the monthly interest which shall accrue henceforth on the total amount of money which is lying in the name of the petitioner minor Ku. Lucky with a condition that the said amount shall be used by the said maternal grandfather only for bringing up of the minor petitioner Ku. Lucky.
8. With the aforesaid direction, the present petition stands disposed of.

SD/-
(P.Sam Koshy)
Judge