

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 354 of 2018**

1. Smt Kamla Bai Kashyap W/o Late Rajesh @ Nadi Kashyap Aged About 45 Years Occupation House Wife, R/o Namnakala Behind The District Court, Police Station And Tahsil Ambikapur, District Sarguja Chhattisgarh

2. Smt. Kanta Bai Kashyap W/o Late Bahoran Kashyap, Aged About 60 Years R/o Namnakala Behind The District Court, Police Station And Tahsil Ambikapur, District Sarguja Chhattisgarh.

---- Petitioners

Versus

1.Jai Bhajan Singh S/o Pancham Ram, Aged About 28 Years Occupation Driver, R/o Village Rakeli, Police Station Darima, Tahsil Ambikapur, District Sarguja Chhattisgarh

2.Shailendra Kumar Garg, S/o Anand Prakash Garg Aged About 40 Years Occupation Vehicle Owner, R/o Manendragarh Road, Ambikapur, Police Station And Tahsil Ambikapur, District Sarguja Chhattisgarh.

3.Branch Manager, The Oriental Insurance Company Limited Manendragarh Road, Ambedkar Chowk, Ambikapur, Police Station And Tahsil Ambikapur, District Sarguja Chhattisgarh.

4. Pawan Kumar Agrawal, S/o Durga Prasad Agrawal Aged About 40 Years R/o Mahamaya Road, Ambikapur District Sarguja Chhattisgarh.

---- Respondents

For petitioners – Shri Sushil Dubey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/04/2018

Heard.

1. Instant petition is against the order dated 2/02/2018 whereby an application to withdraw fixed deposit amount of compensation deposited in motor accident claim has been dismissed by the trial court.

2. The case as would show that an amount of Rs.10,14,000/- was deposited pursuant to the award dated 29/03/2017 passed in MACT No.237/2016 in favour of the petitioners. Initially an amount of Rs.50,000/-

was given in cash to both the petitioners and rest of the amount was deposited in fixed deposit i.e. Rs.5,99,865/- was deposited in favour of petitioner No.1 Kamla Bai and Rs.3,50,000/- was deposited in favour of petitioner No.2 Kanta Bai. Subsequently, an application has been filed wherein statement of Kamla Bai petitioner No.1/claimant was recorded wherein she stated that they need Rs.5 lakhs which may be given from the joint account by making premature payment. It is been stated that she runs a hotel. Perusal of the statement shows that it is been stated that after death of her husband her house and shop is to be repaired, therefore they need money.

3. Considering the facts of this case, it is directed that both petitioner No.1 Kamla Bai Kashyap wife of the deceased and petitioner No.2 Kanta Bai Kashyap shall be entitled to withdraw amount of Rs.1 lakh each from their deposited amount of Rs.5,99,865/- and Rs.3,50,000/- respectively by way of premature payment. Subsequently, remaining amount shall be deposited for a period of 5 years in any nationalized bank so that they may survive with such support in long run of their life.

4. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE