

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 375 of 2018

1. Leela Bai Wd/o Late Shiv Bhajan Aged About 49 Years R/o Gram Pasan, Police Station Pasan, Tehsil - Katghora District Korba Chhattisgarh.

2. Ku. Arti D/o Late Shiv Bhajan Aged About 25 Years,

3. Abhishek S/o Late Shiv Bhajan Aged About 16 Years (Minor) ,

4. Suruchi D/o Late Shiv Bhajan Aged About 13 Years, (Minor)
Respondent No.3 & 4 are minor, Through Natural Guardian Mother Namely Smt. Leela Bai.

All are R/o Village Pasan, Police Station Pasan, Tehsil - Katghora District Korba Chhattisgarh

---- Petitioners

Versus

IFCO Tokiyo General Insurance Company Limited, 3 - R. D. (Third Floor) Shop No. 245, 347, Lal Ganga Shopping Mall , G E Road Raipur District Raipur Chhattisgarh.

---- Respondent

For petitioners - Shri Yogendra Chaturvedi, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/05/2018

Heard.

1. Instant petition is against the order dated 5/02/2018 wherein premature withdrawal of the compensation amount of Rs.2 lakhs has been sought for.

2. Perusal of the award would show that on 5/10/2012 award of Rs.14,22,100/- was passed out of that Rs.7 lakhs was directed to be deposited in the fixed deposit in the name of applicant No.1 Leela Bai wife of the deceased namely Shivbhajan, Rs.2 lakhs was directed to be deposited in fixed deposit in the name of applicant No.4 Arti, Rs.2 lakhs was directed to be deposited in fixed deposit in the name of applicant No.6 Suruchi and Rs.2 lakhs was directed to be deposited in fixed deposit in the name of applicant No.5 Abhishek. Application was filed

subsequently on the ground that one of the amount which was deposited in the name of Arti may be allowed to be withdrawn on premature basis on the ground that Arti was married to one Deepak on 17/05/2017 and for the marriage, expenses were incurred. Consequently, in order to liquidate the outstanding amount of Rs.2 lakhs was sought to be withdrawn. Perusal of the award would show that in the name of Arti learned tribunal on 5/10/2012 has ordered for deposit of Rs.2 lakhs for a period of 4 years. It appears that period of 4 years have passed. Consequently, taking into fact that Arti in whose name fixed deposit was directed to be made for a period of 4 years appears to have married on 17/05/2017, amount which is deposited in the name of Arti can be withdrawn.

3. In the result, it is directed that the applicant shall be entitled to withdraw Rs.2 lakhs which was deposited in the name of Arti who is said to have married.

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

Sd/-

(Goutam Bhaduri)

JUDGE