

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 790 of 2019

- Shirshram Sharma S/o Chhoturam Sharma Aged About 47 Years R/o House No.6 Village - Mandana, Tahsil And Distt. - Bhiwani Haryana Through His Wife Smt. Sumitra Devi W/o Shirshram Sharma, Aged About 40 years, R/o House No. 6 Village - Mandana, Tahsil And Distt. - Bhiwani Haryana

---- Petitioner

Versus

1. Rajkishor Choudhary S/o Late Kashinath Choudhary Aged About 30 Years R/o Old Khurshipar, Machali Market (Vehicle Maruti Jhen Instal No. CG04-H-9625)
2. Sandeep Thakur S/o V.K. Thakur Aged About 36 Years R/o Lakhenagar, Old Basti Raipur, P.S. Old Basti, Raipur, Distt. - Raipur Chhattisgarh
3. Manager The Oriental Insurance Company Ltd. Department Of Divisional Office, Durg, Distt. Durg Chhattisgarh...(Vehicle Maruti Jhen Instal No. CG04-H-9625)

---- Respondents

For Petitioner : Mr. Saumitra Kesharwani, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-10-2019

Heard.

1. This petition has been brought under Article 227 of the Constitution of India challenging the order of the 4th Motor Accident Claim Tribunal, Durg, passed on 24.03.2018 rejecting the application for release of the compensation amount.
2. Learned counsel for the petitioner submitted that the petitioner suffered head injury in a road accident. In the Claim Case No.209/2016, he has been awarded a compensation of Rs.38,92,980/- and by the orders of learned M.A.C.T., all the amount has been deposited in the fixed deposit in a nationalized bank. As there had been requirement for payment of

medical expenses and other necessary expenses, therefore, the application was filed for release of all the amount in favour of the petitioner but the same has been rejected arbitrarily without giving any consideration to the prayer made.

3. Considering that the learned M.A.C.T. has considered grant of medical expenses as well as compensation for other necessities in its award. Therefore, keeping the whole amount in fixed deposits would not serve any purpose in favour of the applicant. Therefore, I am of this opinion that the application filed by the petitioner needs reconsideration. The petition is disposed off at motion stage and the order dated 24.03.2018 is set aside. The petitioner is directed to present documents showing the necessity on the basis of which the claim for release of the amount has been made and the learned M.A.C.T. is directed to reconsider on the application and pass appropriate order accordingly.
4. Consequently, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika