

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 866 of 2019

1. Hemant Naidu S/o Late Damodar Naidu Aged About 36 Years
 2. Shresth Naidu S/o Hemant Naidu Aged About 9 Years Minor Through Natural Guardian Father Hemant Naidu
 3. Jehan Naidu D/o. Hemant Naidu, Aged About 7 Months, Minor Through Natural Guardian Father Hemant Naidu
- (All are r/o. Qtr. No. 5-B, Street No. 42, Sector-7, Bhilai, District Durg, Chhattisgarh)

---- Petitioners

Versus

1. Rohit Thapa S/o Raju Thapa Aged About 32 Years R/o. A.C.C. Chowk Nandani Road, P.S. Jamul, District Durg, Chhattisgarh (Driver of offending vehicle)
2. Avinash David S/o Late H.B. David, R/o. Qtr. No. 2B, Street No. 43, Sector- 8, District Durg, Chhattisgarh (Owner of offending vehicle)
3. Manager National Insurance Company Limited, Divisional Office Akash Ganga Complex, Bhilai, District Durg, Chhattisgarh (Insurer of offending vehicle)

---- Respondents

For Petitioners : Mr. N.K. Chatterjee, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2019

Heard.

1. This petition has been brought being aggrieved by the order dated 03.10.2019 passed by the learned M.A.C.T. and M.J.C. No.123/2019 for dismissing the application of the petitioner for disposal of the amount in fixed deposit.
2. Learned counsel for petitioners submits that the petitioners were awarded compensation in claim case No.350/2017 by award dated 30th March, 2019, in which the applicant No.01 has received Rs.15,02,000/-,

applicant No.2 has received Rs.13,00,000/- and applicant No.3 has received Rs.13,00,000/- by the order of the learned M.A.C.T. all the amount has been deposited in banks in fixed deposits.

3. As the applicant No.1 is going to perform marriage, hence, on this basis, it is prayed that the amount so deposited be disbursed.
4. Considering that applicant No.2 and 3 are minor and the order of deposit in their favour is to the extent till they attain majority. Therefore, these deposits cannot be disbursed. As far as fixed deposit in the name of the applicant No.1 himself it is prayed for release is concerned, the applicant No.1 is performing second marriage because of the accidental death of his first wife, therefore, it would not be proper to release all the amount of the fixed deposit. Therefore, the petition is disposed off at motion stage. The impugned order is interfered with and it is directed to make an order of partial release of Rs.5,00,000/- in favour of applicant No.1, particularly, from the amount which is in the fixed deposit in his name.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge