

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 904 of 2019

1. Jamshed Ansari, S/o. Shri Kuddus Ansari, Aged About 12 Years, R/o. Village - Gurdi, Post Okhargada, P.S. and Tehsil Garwah, District Garwah Jharkhand.

Petitioner is a minor and is represented by the natural guardian (father) Kuddus Ansari, S/o. Mohd. Ismael Ansari, aged about 44 Years, R/o. Village Gurdi, Post Okhargada, P.S. and Tehsil Garwah, District Garwah Jharkhand.

---- Petitioner

Versus

1. Roshan Lal Tiwari, S/o. Shri Budun Lal Tiwari, Aged About 49 Years, R/o. Behind Kali Mandir, Tifra, P.S. Sirgitti, Tehsil and District Bilaspur Chhattisgarh.
2. Tejinder Singh Siddhu, S/o. Shri Vasan Singh Siddhu, R/o. (Wrongly Typed As Vici In Place Of Resident) C/o. Dhananjay Kumar, Qtr. No. B - 1470, Sector - 2, Dhurva, P.S. and Tehsil - Dhurva, District Ranchi Jharkhand.
3. The Oriental Insurance Company Limited, Through : Its Branch Manager, Branch Officer Ambedkar Chowk, Ambikapur, District Sarguja Chhattisgarh

-----Respondents

For Petitioner

: Mr. Surfaraj Khan, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/11/2019

1. This petition has been brought being aggrieved by the order dated 01.11.2019, passed by the learned Additional Motor Accidents Claims Tribunal (F.T.C.), Sarguja, Ambikapur, District – Sarguja (C.G.),

dismissing the application filed by the petitioner for partial disbursement of the amount of compensation, which is at present in a fixed deposit.

2. It is submitted that the petitioner became 100% disabled because of a road accident, regarding which, he has filed a claim case No.14 of 2017, in which the learned M.A.C.T. has passed the award granting compensation. After calculation of interest, total amount of award that was deposited by the respondent side was Rs.11,27,800/-. The entire amount has been deposited in the fixed deposit according to the orders of the learned Claims Tribunal.
3. The petitioner has made huge expenditure on his treatment for which he had borrowed money from various persons, therefore, he made a limited prayer for disbursal of amount of Rs.4.00 lakhs in his favour from the amount in the fixed deposit. The learned M.A.C.T. without taking into consideration the facts and circumstances has dismissed his application.
4. On perusing the copy of the award filed along with the petition, it is found that the petitioner has stated that subsequent to his road accident, he was admitted in Govt. District Hospital, thereafter, he has also taken treatment in various private medical institutions. Prayer in the application for disbursal was this that the petitioner had borrowed money for his treatment from various persons, therefore, he is in need to repay the same, for which disbursal be ordered.
5. As the petitioner himself is a minor under the guardianship of his father and father himself is a mechanic by profession, which again is relevant consideration that he is man of limited means, which are sufficient for survival only, therefore, the prayer made by the petitioner should not

have been lightly brushed aside by the learned M.A.C.T.. The necessity of the petitioner must be examined first before passing any order, therefore, the petition is disposed off at motion stage. The impugned order is set-aside and the learned M.A.C.T. is directed to examine the necessity of the petitioner and pass appropriate order in the light of the observation made herein above within a period of one month.

6. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram