

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 943 of 2019

Sukhlal, S/o. Late Jairam, Aged About 20 Years, Occupation – Unemployed,
R/o. Village – Bargai, Police Station – Darima, Tahsil – Ambikapur, District -
Surguja Chhattisgarh.

---- Petitioner

Versus

Branch Manager, Central Bank Of India, Branch Office - Near Gudri Bazar,
Ambikapur District - Surguja Chhattisgarh.

-----Respondents

For Petitioner : Mr. S.D. Singh, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/12/2019

1. This petition has been brought being aggrieved by the order dated 06.07.2019, passed by the learned Motor Accidents Claims Tribunal, Ambikapur in Misc. M.A.C.T. No.206/2019, by which prayer of the petitioner for disbursement of the compensation amount in fixed deposit has been rejected.
2. It is submitted that the petitioner is one of the claimants in Claim Case No.206 of 2017, in which the learned Motor Accidents Claims Tribunal has passed award dated 28.08.2018 granting compensation in favour of the applicants. By orders of the learned Motor Accidents Claims Tribunal, part of the compensation amount Rs.2,50,000/- has been deposited in fixed deposit. As the petitioner wanted to start his own Kirana business by constructing a shop for which he had requirement of finance, hence, he made a prayer before the learned Motor

Accidents Claims Tribunal for release of the amount in fixed deposit, which has been rejected in an arbitrary manner.

3. As submitted by the counsel for the petitioner that land on which the petitioner wants to raise construction has been given on lease to the petitioner by his maternal-grand-father. Only for this reason that land is not in the name of the petitioner, the application has been rejected, whereas, it should have been verified by asking the petitioner to bring documents and evidence in this respect.
4. After considering on the petition and the submission made in this respect, I am of this view that the order has been passed by the learned Motor Accidents Claims Tribunal without making verification and on the basis of other reasons imagined that his business will not be a success . Therefore, this petition is disposed off at motion stage. The impugned order dated 06.07.2019, passed by the learned Motor Accidents Claims Tribunal, Ambikapur in Misc. M.A.C.T. No.206/2019 is set-aside and the learned Motor Accidents Claims Tribunal is directed to reconsider on the prayer made by the petitioner after affording an opportunity to file documents and other evidence, if required, to show that his need is genuine and his intention to run business is also genuine.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge