

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 67 of 2020

- Balak Jogi @ Palak Jogi, S/o Chain Das Jogi, Aged About 32 Years, R/o. Village Nakti, Police-Station-Manacamp, Raipur, District-Raipur Chhattisgarh.....Applicant/claimant.

---- Petitioner

Versus

1. Komal Sahu S/o Narayan Sahu, Aged About 19 Years R/o. Village Chandi Chowk, Fudhar, Police Station Telibandha, District Raipur Chhattisgarh.
2. Chhannu Lal Sahu S/o Narayan Sahu, Aged About 26 Years R/o Village Chandi Chowk, Fudhar, Police Station Telibandha, District Raipur Chhattisgarh.
3. Manager, United India Insurance Company Limited, Raipur, Address Infront Of Kachhari, Krishna Complex, Raipur, District Raipur Chhattisgarh.

---- Respondents

For petitioner	:	Mr. P.K. Patel, Advocate.
For respondents	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/01/2020

1. This petition has been brought being aggrieved by the order dated 12.12.2019 (Annexure P-1) passed by the learned 8th Additional Motor Accidents Claims Tribunal, Raipur (for short'MACT') by which the application filed by the petitioner for premature release of the amount in fixed deposit has been rejected.
2. The petitioner has been granted compensation by award dated 15.5.2019 in Claim Case No.447/2017 and part of the amount has been deposited in fixed deposit by the orders of the learned MACT. An application was filed by the petitioner for premature release of the

amount on the ground that that he had to undergo surgery for which he requires the amount in fixed deposit. It is submitted that the learned MACT has rejected the said application arbitrarily and erroneously.

3. On perusal of the impugned order it is found that learned MACT has mentioned that the petitioner has not presented any advise of doctor or estimate of expenses and therefore the application was rejected.
4. After considering on the submissions made and perusing the documents present in the record, I am of this view that applicant should be granted liberty to file a fresh application for premature release of amount in deposit. Accordingly, the petition is disposed off at this stage granting liberty to the petitioner to file fresh application alongwith advise of the doctor/surgeon and also estimate of expenses. On filing such application, the learned MACT shall consider and decide the same in accordance with law.
5. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha