

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 79 of 2020

- Mahesh Agariya, S/o Late Navdhari Agariya, Aged About 60 Years, R/o Village-Sukhari Ward No. 1 Post - Sahpur Police-Station-Chando, Tahsil-Samari(Kushami), District-Balrampur, Ramanujganj, Chhattisgarh. (Claimant).

---- Petitioner

Versus

1. Nanhelal Khairwar, S/o Bhagwati Khairwar, Aged About 25 Years, R/o Village-Bhainsamunda, Police-Station-Balrampur, District-Balrampur, Ramanujganj, Chhattisgarh. (Driver).
2. Aashik Khan @ Ashif Khan, S/o Sarphridin Khan, Aged About 30 Years, Occupation Owner of Auto R/o Chetana Police-Station-Garhwa District Garhwa (Jharkhand), Present Address Aashik Khan @ Ashif Khan, R/o Village Maharajgaj Police Chowki - Ganesh Mod Police Station-Balrampur, District-Balrampur, Ramanujganj, Chhattisgarh. (Owner).
3. The Royal Sundarm, General Insurance Company Ltd. Through Branch Manager Royal Sundarm General Insurance Company Ltd. Branch Office Shop No. 37 A.C.Market 2nd Floor Main Road Ranchi Jharkhand and Branch Manager Royal Sundarm General, Insurance Company Ltd. Office No. 306, 3rd Floor Inside of Mova Bridge Raipur Chhattisgarh. (Insurer)
4. Sitalpatiya, W/o Late Jawahir @ Chovariya Agariya, Aged About 35 Years, R/o Village Sukhari, Ward No.1, Post – Sahpur, Police-Station-Chando, Tahsil-Samari (Kushami), District-Balrampur, Ramanujganj, Chhattisgarh.
5. Ajeet Kumar Yadav, W/o Late Shiva, Aged About 19 Years, R/o Village-Sukhari, Ward No. 1, Post - Sahpur Police-Station-Chando, Tahsil Samari (Kushami), District-Balrampur, Ramanujganj, Chhattisgarh.
6. Sajit Agariya, S/o Late Jawahir Agariya, Aged About 14 Years, Minor Through Natural Guardian Mother Respondent No. 4 Sitalpatiya W/o Late Jawahir @ Chovariya Agariya, R/o Village-Sukhari, Ward No. 1, Post - Sahpur Police-Station-Chando, Tahsil-Samari (Kushami), District-Balrampur, Ramanujganj, Chhattisgarh.
7. Ku. Sanjita Agariya, D/o Late Jawahir Agariya, Aged About 12 Years, Minor Through Natural Guardian Mother Respondent No. 4 Sitalpatiya W/o Late Jawahir @ Chovariya Agariya, R/o Village Sukhari, Ward No. 1, Post – Sahpur, Police-Station-Chando, Tahsil-Samari (Kushami), District-Balrampur, Ramanujganj, Chhattisgarh.

---- Respondents

For petitioner : Mr. A. N. Pandey, Advocate.
For respondents : None.

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

24/01/2020

1. This petition under Article 227 of the Constitution of India has been brought feeling aggrieved by the order dated 19.12.2019 passed by the learned Motor Accident Claim Tribunal, Balrampur at Ramanujganj dismissing the application filed by the petitioner to pre-close the Fixed Deposit and disburse the amount to him.
2. The petitioner is one of the claimants in award dated 6.7.2019 passed in MAC No.28/2018 whereunder a total compensation of Rs.9,28,000/- was awarded and out of the said amount, a sum of Rs.1,98,004/- is ordered to be kept in a fixed deposit scheme of a nationalized bank in the name of petitioner herein for a period of five years. The petitioner filed an application to discontinue the fixed deposit and disburse the amount in his favour on ground that he is an old aged person, suffering from Arthritis and other bone diseases and he does not have any resources for meeting the expenses of his treatment for the diseases with which he is suffering, therefore, the amount of compensation which has been kept in a fixed deposit, be discontinued and the amount be released in his favor. However, the learned MACT rejected the said application only on this ground that the petitioner has not filed any medical document in support of the claim raised by him.
3. Considering the facts and circumstances of the case, this petition is disposed off at this stage granting liberty to the petitioner to file a fresh application for premature withdrawal of amount of compensation which has been kept in a fixed deposit, along with supporting documents, and in turn, the learned MACT is directed to consider and decide the said application, if filed, in accordance with law.

Sd/-
(Rajendra Chandra Singh Samant)
Judge