

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 125 of 2020

Smt. Tameshwari, W/o. Late Shobharam Sahu, Aged About 20 Years, R/o. Village Uparwah, P.S. and Tahsil - Ghumka, District - Rajnandgaon Chhattisgarh.

Note applicant No.2, 3 & 4 have not been arrayed as part as the application before the Court below was moved by the petitioner Smt. Tameshwari and not other applicants.

---- Petitioner

Versus

1. Krit Kumar Bhandari, S/o. Nayan Das, Aged About 36 Years, R/o. Village Litiya, P.S. - Lalbagh, District - Rajnandgaon Chhattisgarh.
2. Bhupendra Diyewar, S/o. Mahadev Diyewar, Aged About 36 Years, R/o. Tulsipar, Ward No. 16, P.S. and District - Rajnandgaon Chhattisgarh.
3. National Insurance Co. Ltd., Through - Divisional Manager, Kampthi Line, Tahsil and District - Rajnandgaon Chhattisgarh.

-----Respondents

For Petitioner : Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/02/2020

1. This petition has been brought under Article 227 of the Constitution of India being aggrieved by the order dated 10.01.2020, passed by the Motor Accidents Claims Tribunal,

Rajnandgaon dismissing the application for premature disbursement of the amount deposited in the fixed deposit.

2. It is submitted that the petitioner and others had filed a claim case No.100 of 2016, in which by award dated 26.06.2018, compensation has been granted in favour of the petitioner and others. By the orders of the Motor Accidents Claims Tribunal, Rs.4.00 lakhs fell in share of the petitioner which are deposited in a fixed deposit in the bank. It is submitted that the younger sister of the petitioner, who is dependent on her is going to get married, therefore, for the purpose of performance of marriage, this petitioner made prayer for partial disbursement of the amount in the fixed deposit to the tune of Rs.1,50,000/- only, which the Motor Accidents Claims Tribunal has dismissed mentioning that sister of this petitioner was not a claimant in the claim case. It is further submitted that as the petitioner has a responsibility to fulfill and she has no other source of income, therefore, partial disbursement of the amount deposited in the fixed deposit should have been ordered by the learned M.A.C.T.. Therefore, it is prayed that the impugned order be set-aside and relief be granted to the petitioner.
3. Considered on the submission made by the counsel for the petitioner and also perused the documents, which are filed along with the petitio. For the reasons that the petitioner has responsibility to fulfill and as mentioned that she has no other source of income and means by which she can do so, therefore,

the compensation amount, which is deposited in the fixed deposit should be have been partially disbursed in favour of the petitioner.

4. Accordingly, this petition is disposed off at motion stage. It is ordered that the petitioner is permitted to make withdrawal of Rs.1,50,000/- from the amount of compensation, which is kept in the fixed deposit in the bank and the learned M.A.C.T. is directed to do the needful. Order can be passed by M.A.C.T. for the deposit of the remainder amount.

Sd/-
(Rajendra Chandra Singh Samant)
Judge