

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 350 of 2020

Chandan Kumar Janghel Son Of Late Shailendra Kumar Janghel Aged About 20 Years Resident Of Village Bichchhitola, Post Ramatola, P.S. And Tahsil Dongargarh, District Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

1. Arjun Patel Son Of Falit Ram Patel Aged About 26 Years Resident Of Village Khadaudha, P.S. Sahaspur Lohara, Tahsil Kawardha, District Kabirdham Chhattisgarh.
2. Babulal Yadav Son Of Ankalu Yadav Aged About 29 Years Resident Of Village Daihandih, P.S. Sahaspur Lohara, Tahsil Kawardha, District Kabirdham Chhattisgarh.
3. Yusuf Khan Son Of Gulam Murtaja Aged About 34 Years Resident Of Village Udiyakhurd, P.S. Sahaspur Lohara, Tahsil Kawardha, District Kabirdham Chhattisgarh.
4. Heeralal Son Of Late Ful Singh Aged About 47 Years Resident Of Village Bachedi, P.S. Sahaspur Lohara, Tahsil Kawardha, District Kabirdham Chhattisgarh.
5. Branch Manager, Tata A.I.G. General Insurance Company Ltd. Raipur Chhattisgarh.
6. Branch Manager, United India Insurance Company Ltd. Office At Purana Bus Stand Road Rajnandgaon Chhattisgarh.
7. Yatindra Kumar Janghel Son Of Late Shailendra Kumar Janghel Aged About 21 Years Resident Of Village Bichchhitola, Post Ramatola, P.S. And Tahsil Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For Petitioner : Shri C.R. Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-06-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 26.02.2020 of learned Additional Motor Accident Claims Tribunal, Rajnandgaon.
2. It is submitted by counsel for the petitioner that the amount of award granted by the learned Additional Motor Accident Claims Tribunal,

Rajnandgaon in Claim Case No. 38 of 2016 decided on 14.12.2017 has been deposited in a fixed deposit according to the order of the Tribunal. This petitioner filed an application for premature release of Rs.7,00,000/- out of total amount in a fixed deposit on the ground that the petitioner requires the amount to invest in a ready-made cloth shop to earn his livelihood. Learned Tribunal has although appreciated the need of livelihood of the petitioner but has ordered for release of only Rs.2,50,000/-, which is insufficient as per the need of the petitioner, therefore, it is prayed that the impugned order be interfered with and the amount as prayed for may be ordered to be disbursed.

3. After considering the submissions made by counsel for the petitioner and also perusing the documents filed alongwith the petition, I am of this view that after the appreciation was made by the learned Tribunal, the Tribunal should have ordered for disbursement of the amount as prayed for. Hence, the petition is disposed off at motion stage. It is ordered that apart from the order of disbursement of amount of Rs.2,50,000/- to the petitioner by the learned Tribunal, release of further amount of Rs.4,50,000/- may also be made, so that total disbursement of amount from fixed deposit is of Rs.7,00,000/- in favour of the petitioner. Learned Additional Motor Accident Claims Tribunal is directed to pass an order accordingly for release of the total amount in favour of the petitioner and comply with the order of this Court.
4. Accordingly, the petition is disposed of.

Sd/-

(Rajendra Chandra Singh Samant)
Judge