

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.2 of 2020

1. Smt. Shyama Devi W/o Late Chandlal Koram Aged About 34 Years
2. Kumari Sakshi Koram D/o Late Chandlal Koram Aged About 7 Years
Minor, Represented Through Mother And Natural Guardian Smt. Shyam
Devi
3. Sahil Koram S/o Late Chandlal Koram Aged About 4 Years Minor,
Represented Through Mother And Natural Guardian Smt. Shyam Devi,
4. Smt. Hirai Bai Koram W/o Late Mitthu Singh Koram Aged About 60
Years

(All are R/O Village Khondra, Police Station Seepat, Tahsil Seepat,
District Bilaspur Chhattisgarh)

---- Petitioners

Versus

1. Sachin Sahu S/o Devcharan Sahu Aged About 22 Years Resident Of
Village Nevsa, Post Jali, Police Station Ratanpur, District Bilaspur
Chhattisgarh...(Driver Of Vehicle No. C.G. - 12- Au- 2409)
2. Ramadhar Sahu S/o Motilal Sahu Aged About 48 Years Resident Of
Village Nevsa, Post Jali, Police Station Ratanpur, District Bilaspur
Chhattisgarh...(Owner Of Vehicle No. C.G.-12-Au-2409)
3. Reliance General Insurance Company Limited Through Branch
Manager, Branch Office 5th Floor, National Corporate Park, Office No.
516, G.E. Road, Raipur, Tahsil And District Raipur Chhattisgarh...
(Insurer Of Vehicle No. C.G.- 12-Au-2409)

---- Respondents

For Petitioners : Mr. Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2020

Heard.

1. This petition has been brought being aggrieved by the order dated
30.11.2019 passed by the learned Additional M.A.C.T., Bilaspur, C.G. by
rejecting the application filed by the petitioners for premature withdrawal
of the amount of compensation from the fixed deposit.

2. Learned counsel for the petitioners submits that petitioners are belonging to poor economic society. As the amount granted for compensation in Claim Case No.661/2018 has been deposited by the fixed deposits in the name of the petitioners in the claim case, the petitioner No.1 and 4 made a prayer to the learned M.A.C.T. to release the fixed deposit amount in their favour for the purpose of making repayment of the amount borrowed for the purpose of construction and repairing of their house in the village. Although the statement of the petitioner No.1 and 4 was recorded and that was also supported by the independent witness, who was the person who had lent money to them, that has been disbelieved and the application has been dismissed.
3. It is further submitted that the applicants have bona-fide need of the amount in fixed deposit as they have no other source of income to make the repayment of the loan. Therefore, their application should have been allowed. Hence, the impugned order is arbitrary.
4. Considered on the submissions made and also perused the documents filed along with the petitioner and also considering that the submissions given by the petitioner No.1 & 4 before the Court and supported by the witness- Sushil Kumar which should not have been discarded. Therefore, I am of this view that the impugned order is needed to be interfered with. Hence, the petition is disposed off at the motion stage. The impugned order is set aside and the learned M.A.C.T. is directed to make a disbursal of the 50% of the amount which has been prayed for by the petitioners in their application from the fixed deposits of petitioner No.1 and 4. The fixed deposits in the name of petitioner No.2 and 3 shall remain to complete the term of the same.
5. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge