

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(227) No.26 of 2021**

- Aditya Das S/o Late Devashish Das Aged About 27 Years R/o 8/630, Juhi Apartment, Talpuri Colony, P.S. Sector-6 Bhilainagar, Tahsil And District Durg (Chhattisgarh)

---- Petitioner**Versus**

1. Chintaram Rajak S/o Jivrakhan Rajak Aged About 46 Years R/o Itvari Bajar, Ward No. 9, Khairagarh, District Rajnandgaon (Chhattisgarh)
2. Ashish Mishra S.O P.N. Mishra Aged About 39 Years R/o Civil Lines, Khairagarh, District Rajnandgaon (Chhattisgarh)
3. The New India Insurance Company Limited First Floor, Chhattisgarh Housing Board, Business Premises, New Bus Stand, G.E. Road, Rajnandgaon, Tahsil And District Rajnandgaon

---- Respondents

For Petitioner : Mrs. Renu Kochar with Mr. Gyan Prakash Dandekar, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****19-01-2021**

Heard.

1. This petition under Article 227 of Constitution of India has been brought being aggrieved by the order dated 15.12.2020 passed by the First Additional Motor Accident Claims Tribunal, Durg, C.G., in which the application filed by the petitioner for release of amount from the fixed deposit of the compensation amount, has been partly allowed.
2. Learned counsel for the petitioner submitted that the petitioner is an educated and responsible person. The award that was granted to the petitioner and one another in claim Case No.340 of 2018 by learned 1st A.M.A.C.T., Durg has been fixed deposited by the order of the Court. As the petitioner, who is young and he is going to solemnize marriage,

therefore, he was in need of the money in making expenditure on the various needs, which are necessary in the performance of marriage. The relevant documents were filed before the learned A.M.A.C.T. along with the application in support of the prayer made and the application was also supported with affidavit.

3. It is submitted that the learned A.M.A.C.T. has erroneously held that the prayer for release of Rs.15 Lakhs from the amount in fixed deposit is unjustified without giving any consideration on the estimate of the expenses that was presented by this petitioner, hence, it is prayed that this Court should interfere by invoking the supervisory jurisdiction.
4. Considered on the submissions, perused the impugned order, the copy of award and the application filed for release of the amount from the fixed deposit and the documents filed in support of that, I am of this view that the learned A.M.A.C.T. did not take a practical approach in considering the requirement of the applicant. Further, it is worth mentioning that the applicant is not dependant on the amount of compensation awarded to him for whole life, he himself has to earn livelihood in the future, as he is going to settle in life by performing marriage. Therefore, the order passed is erroneous, hence, is liable to be interfered with. Hence, the petition is disposed off at motion stage. The impugned order and the order of the Tribunal below is modified and it is ordered that the amount of Rs.15 Lakhs as prayed for be released from the fixed deposit account of the petitioner in the bank and the remaining amount may be redeposited in fixed deposit for a period of 5 years.
5. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge