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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 37 of 2021

1. Trilochan, S/o. Late Budhruram Halba, aged about 48 years,
2. Smt. Nanki Bai, W/o. Trilochan Halba, aged about 45 years,
Both are R/o. Village Bhadiyanawagaon, Police Station, Tehsil Balod, District Balod, Chhattisgarh.

---- Petitioners

Versus

1. Krit Kumar, S/o. Late Birjhum Sahu, aged about 45 years, R/o. Village Bodki, Police Station, Tehsil Balod, District Balod, Chhattisgarh.
2. Madanlal, S/o. Late Birjhum Sahu, aged about 47 years, R/o. Village Bodki, Police Station and Tehsil Balod, District Balod, Chhattisgarh.
3. Cholomandalam M.S. General Insurance Company Limited, Through Cholo Mandalam Investment and Finance Company Limited, Branch Office Near Bank of India Aamapara, Dalli Road Balod, Tehsil and District Balod, Chhattisgarh.

-----Respondent

For Petitioners

: Mr. Avinash Chand Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/02/2021

1. This petition has been brought being aggrieved by the order dated 06.08.2020, passed by the First Motor Accidents Claims Tribunal, Balod dismissing the application filed by the petitioners for disbursement of the amount from the fixed deposit.
2. The petitioners are the applicants in Claim Case No.64 of 2017, in which, by order dated 28.11.2019 award of compensation was passed in their favour and by order of the learned Motor Accidents Claims Tribunal, amount of Rs.3,93,479/- has been deposited in the fixed deposit.

3. It is submitted by the learned counsel for the petitioners that the petitioners have moved an application before the Claims Tribunal on the ground that they have to meet the expenditure of marriage of their son to be held on 01.05.2020, they have requirement of funds. The application has been erroneously rejected by the impugned order.
4. It is submitted that the marriage of the son of the petitioners has been performed but for the same, the petitioners had to borrow money from the relatives and friends and they are required to repay the same, therefore, on this ground, the amount in the fixed deposit may be released.
5. After considering on the submissions this Court is of the view that the ground on which the prayer for disbursement has been made earlier has expired and there is new ground present in favour of the petitioners that they have borrowed money from friend and relatives to meet the expenditure of marriage of their son, hence, the petitioners are at liberty to file a fresh application, before the Tribunal and the learned Tribunal is directed to consider on the application of the petitioners on the ground that has accrued in their favour.
6. Accordingly, this petition is disposed off with the aforesaid observations.

Sd/-
(Rajendra Chandra Singh Samant)
Judge