

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.100 of 2021

1. Smt. Chaiti Bai W/o Late Rohit Mandavi Aged About 39 Years R/o Village Goverdhan, Police Station And Tahsil Kanker, District North Baster Kanker Chhattisgarh
2. Minor Karishma D/o Late Rohit Mandavi Aged About 16 Years
3. Minor Karan Mandavi S/o Late Rohit Mandavi Aged About 14 Years
4. Minor Arun Mandavi S/o Late Rohit Mandavi Aged About 12 Years

(respondents No.2 to 3 are Minor Represented Through Mother Smt. Chaiti Bai)

(All are r/o Village Goverdhan, Police Station And Tahsil Kanker, District North Baster Kanker Chhattisgarh)

---- Petitioner

Versus

1. Sunil Kumar Gupta S/o Late Shri Kameshwar Prasad Gupta Aged About 28 Years R/o Village Lulegondi, Police Station And Tahsil Kanker, District North Baster Kanker Chhattisgarh
2. Mukesh Kumar Anchla S/o Tulsiram Anchla Aged About 30 Years R/o Kulgaon, Police Station And Tahsil Kanker, District North Baster Kanker Chhattisgarh
3. Branch Manager Ifco Tokyo General Insurance Company, Ravi Bhawan Raipur Chhattisgarh

---- Respondents

For Petitioners

– Mr. Vivek Mishra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-02-2021

Heard.

1. This petition has been brought seeking issuance of direction to the Motor Accidents Claims Tribunal, Kanker, District- North- Bastar, Kanker, C.G.
2. The petitioner was a claimant in Claim Case No.51 of 2015, in which by award dated 13.02.2016, the compensation was granted in her favour and in favour of her children, which is deposited in the Bank as fixed deposit. The petitioner moved an application praying for release of the amount from the fixed deposit in the Bank, which has been dismissed by the impugned order.
3. After the submissions made by the learned counsel for the petitioner and perusal of the impugned order, I am of this view that the application for disbursal of amount has been filed in cursory manner without giving details as to the requirement for the construction of house and as to what shall be the title and authority of the petitioner in case she makes investment in construction of the house. Hence, this petition is disposed off at the motion stage. Liberty is granted to the petitioners to file repeat application before the learned M.A.C.T. giving all details of their need and other consequences for disbursal of the amount, which may be considered and decided by the learned M.A.C.T.
4. It is further submitted that Supreme Court has issued a special guideline in the case of **A.V. Padma & Ors. Vs. R. Venugopal & Ors.** reported in A.I.R. 1994 SC 1631. Learned M.A.C.T. may also take into consideration the guidelines issued in this case.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika