

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 148 of 2021

- Smt. Savitri Deep (Gond Thakur) W/o Late Kamal Thakur, Aged About 54 Years, R/o Charnal Chowk, Near Nehur Chowk, Ward No. 49, Near Kalibadi Chowk Raipur, Tehsil and District Raipur Chhattisgarh 492001., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Himanshu Soni, S/o Shri Dau Soni, R/o Bajrang Chowk, Mathpurena, Sundernagar, Raipur, Tehsil and District Raipur Chhattisgarh 492001. (Driver of the Motor Cycle No. C.G. 04/H.L.5236)., District : Raipur, Chhattisgarh
2. I.C.I.C.I. Lombard General Insurance Company Ltd., Through Branch Office, 3rd Floor, Lalganga Shopping Mal, G.E. Road, Raipur Chhattisgarh 492001. (Insurer of the Motor Cycle No. C.G. 04/H.L.5236)., District : Raipur, Chhattisgarh

----Respondents

For Petitioner – Shri Akhilesh Mishra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2021

1. This petition has been brought being aggrieved by the order dated 28-11-2020 passed by the 8th Additional Motor Accidents Claims Tribunal Raipur, Chhattisgarh dismissing the application of the petitioner praying for premature withdrawal of the amount from the fixed deposit.
2. The petitioner was claimant in Claim Case No.618/2016 in which she was granted compensation by award dated 05-10-2018. The amount of Rs.12,93,841/- is deposited in fixed deposit by the orders of the Tribunal. The petitioner filed application praying for premature withdrawal of Rs.2,00,000/- for the purpose of starting business of grocery and fancy store. This application has been dismissed by the impugned order.
3. It is submitted that the impugned order is erroneous. The ground on which the premature withdrawal was sought was bonafide. Therefore, it is prayed that the petition be allowed and relief be granted to the petitioner.

4. Without notice to the respondents the petition is disposed off at motion stage. The impugned order is set aside. Learned 8th Additional Motor Accidents Claims Tribunal Raipur is directed to make an enquiry on the application filed by the petitioner, to find out the bonafidy of her requirement and then dispose off the application filed for disbursement of the amount from the fixed deposit on the ground of bonafide need, if it is found established in that enquiry.

5. The petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge