

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 203 of 2021

Bhupendra Dinkar S/o Shri Bharat Lal Dinkar, Aged About 25 Years R/o Police Colony Malkharouda, Present Address - Kutra, Thana - Pamgarh, Tahsil - Janjgir, District - Janjgir - Champa Chhattisgarh.

---- Petitioner

Versus

1. Balwant Kumar Chandra S/o Shri Horilal Chandra, Aged About 28 Years R/o Police Colony Malkharouda, District - Janjgir - Champa Chhattisgarh.
2. I C I C I Lombard Company, Vyapar Vihar, In Front Of Surya Chamber, District - Bilaspur Chhattisgarh. (Insurance Company).

---- Respondents

For Petitioner : Shri R.K. Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-3-2021

Heard.

1. This petition under Article 227 of the Constitution of India has been brought being aggrieved by the order dated 15.12.2020, by which the Motor Accident Claims Tribunal, District Janjgir-Champa dismissing the application of the petitioner in which the prayer for disbursal of amount from fixed deposit was made.
2. The petitioner is claimant in M.A.C. No. 16 of 2019, in which he has been granted compensation by award dated 3.3.2020. Amount of Rs.34,66,624/- has been deposited in a fixed deposit by the orders of the MACT. The petitioner who has been disabled in the motor accident needs further treatment and surgery, therefore, for this reason he made a prayer in this application that he may be granted disbursal of

Rs.20,00,000/- from the fixed deposit. This application has been rejected by the impugned order.

3. Considered on the submissions and also perused the impugned order. After considering the facts present in this case, I am of this view that this application requires an enquiry as to what is the need of treatment and surgery; whether it has been advised by any doctor or surgeon and what shall be the estimate of expenses. Therefore, the petition is disposed off at motion stage. The impugned order is set aside and the application for disbursal of the amount from fixed deposit is restored. Learned MACT, Janjgir-Champa is directed to provide an opportunity to the petitioner to file documents etc. as required and also take statement of the witnesses, if necessary, and then pass the orders on the application.
4. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge