

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 278 of 2021

Ku. Anita Mishra, D/o. Late Ramshiromani Mishra, aged about 28 years, R/o. Teknaar Lohar Para, P. S. Dantewada, District Dantewada Chhattisgarh.

---- Petitioner

Versus

1. Rajesh Singh Bhadoriya, S/o. Inspector Singh Bhadoriya, aged about 36 years, R/o. In Front Of Telephone Office P. S. Dantewada District Dantewada Chhattisgarh (Driver of the vehicle)
2. Kalichanran Sharma, S/o. Shri G. P. Sharma, aged about 58 years, R/o. Behind Madhuban Hotel Main Road Dantewada P. S. Dantewada District Dantewada Chhattisgarh (Owner of the vehicle)
3. The New India Insurance Co. Ltd. Akashwani Road, Gandhi Nagar Ward M. M. Tower Jagdalpur District Bastar, Chhattisgarh.

---- Respondents

For Petitioner : Mr. Vikash A. Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/06/2021

1. This petition has been brought under Article 227 of the Constitution of India being aggrieved by the order dated 05.02.2021, by which the application filed by the petitioner for premature release of the amount in fixed deposit, has been dismissed by the learned Additional Motor Accident Claims Tribunal (FTC), Dantewada.
2. The petitioner was claimant in M.A.C.T. Case No. 28 of 2017, in which she has been awarded compensation of Rs.6,72,600/- by award dated 25.02.2019. Part of the compensation amount Rs.5,80,264/- is deposited in the bank as fixed deposit by the order

of the tribunal.

3. It is submitted by the counsel for the petitioner that house of the petitioner has collapsed due to heavy rain, therefore, she requires money to raise construction and repair her collapsed house. Hence, it is prayed that Rs.3.00 lakhs be released from the amount in fixed deposit, which has been erroneously and arbitrarily rejected by the learned tribunal.
4. Considered on the submissions. On perusal of the impugned order it is found that the learned tribunal has not believed the grounds on which the petitioner was making prayer for premature release. Therefore, the grounds raised by the petitioner needs enquiry..
5. Accordingly, the petition is disposed of at motion stage. The impugned order dated 05.02.2021 is set-aside and the application filed by the petitioner is restored. The learned tribunal is directed to make an enquiry on the ground raised by the petitioner and pass appropriate orders preferably within a period of six weeks from the date of this order.

Sd/-
(Rajendra Chandra Singh Samant)
Judge