

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 314 of 2021

1. Chulu Narayan Singh, S/o Fagu Ram, Aged About 50 Years, Occupation Agriculture Work R/o Ward No. 4 Sattitikara Pendari Nawadih, Tahsil Pratappur, District-Surajpur, Chhattisgarh.

---- Petitioner

Versus

1. Dharmdev, S/o Ramvilash Harijan, Aged About 29 Years, Occupation Driver of Vehicle R/o Madhupur P.S Rabertganj, District Sonbhadra (U.P.). (Driver), District : Sonbhadra, Uttar Pradesh
2. Anupam Pandey, S/o Suresh Pandey, Aged About 25 Years, Occupation Transporting, R/o Madhupur, P.S. Rabertganj, District : Sonbhadra, Uttar Pradesh.
3. Branch Manager The New India Insurance Company Ltd. Branch Office Truck Stand Road Sokhi Plaza Rabertganj, District-Sonbhadra (U.P.), Through Branch Manager The New India Insurance Company Ltd. Branch Office Ambika Petrol Pump Campus Near Ambedkar Chowk Nagar Ambikapur, District Surguja Chhattisgarh. (Insurer)
4. Smt. Pramila Chouhan @ Parmila Chouhan, W/o Late Alok Singh @ Mangal Aged About 21 Years Occupation House Wife, R/o Ward No. 41 Nawagarh Ambikapur P.S And Tahsil Ambikapur District Surguja Chhattisgarh.
5. Ku. Khushi Chouhan, D/o Late Alok Singh @ Mangal, Aged About 4 Month Respondent No. 5 Claimant No. is Minor Through Natural Guardian Mother Smt. Pramila Chouhan @ Parmila Chouhan, W/o Late Alok Singh @ Mangal, R/o Ward No. 41 Nawagarh Ambikapur P.S. And Tahsil Ambikapur District Surguja Chhattisgarh.

---- Respondents

For petitioner : Mr. A.N. Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/07/2021

Heard.

1. This petition has been brought being aggrieved by the order dated 27.1.2021 passed by the learned Motor Accidents Claims Tribunal, (for short'MACT'), Ambikapur, dismissing the application filed by the petitioner praying for premature disbursal of the amount kept in a Fixed Deposit.
2. The petitioners, were claimants in the Claim Case No.204/2019, in which compensation was awarded to them by award dated 20.2.2020 and as per order the learned Tribunal, amount of Rs.1,50,000/- in share of the petitioner has been deposited in a fix deposit in account of Bank of Baroda for a period of 3 years.
3. It is submitted that the petitioner filed application mentioning, that he had borrowed Rs.1,00,000/- from Ramdhani for the purposes of expenses of final rites of his late son Alok Singh. It is further submitted that for borrowing that amount the petitioner had given possession of his agricultural land to Ramdhani as security. Although, the amount of Rs.20,000/- has been paid to Ramdhani and remaining amount of Rs.80,000/- is yet to be paid so that the petitioner will be able to reclaim on the land given to Ramdhani. It is submitted that the learned trial Court has recorded the statement of the applicant and Ramdhani, the mortgager, even then the application has been rejected. It is submitted that the petitioner has bonafide need of the amount, therefore, the impugned order be set aside and the petitioner be granted relief.
4. Learned counsel for the petitioner submitted that there is no requirement of issuance of notice to the respondent side.
5. As it appears that the petitioner was examined before the tribunal and

the person who has lent money to the petitioner, has also been examined, who has made similar statement about the money transaction and the possession over land of the petitioner. Hence, the ground raised by the petitioner was very cogent. Hence, for these reasons I find that the order impugned is arbitrary and erroneous.

6. Accordingly, the petition is allowed. The impugned order is set aside. The learned MACT is directed to pass orders for releasing the amount of Rs.80,000/- from the fix deposit account of this applicant, which is kept in fix deposit as per the orders of that tribunal.
7. Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha