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HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 308 of 2021

- Gulam Chisti S/o Late Ali Mohammad, Aged About 46 Years, Occupation- Agriculture R/o Village and Post- Madwaniya P.S. – Ramna District- Garhwa (Jharkhand) Pin- 822128 Present Address Ward No. 40 in the House of Tibat Bibi, Pairadise Gali Mominpura Ambikapur District - Surguja Chhattisgarh. (Claimant No.1), District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. Govind Kumar S/o Santosh Kumar, Aged About 24 Years, Cast - Teli, R/o Village - Churela (Satnamipara), P.S. Bhatgaon, District-Blodabazar Chhattisgarh. (Driver), District : Balodabazar-Bhathapara, Chhattisgarh
2. Proprietor Shriniwas Roadlines A-410 Chaitanya Tower Anant Vihar Colony, Dalshivani Road, Mova Raipur, District - Raipur Chhattisgarh. (Owner), District : Raipur, Chhattisgarh
3. Branch Manager, United India Insurance Company Ltd. Division Office Near Kumkum Hotal Ambikapur Brahm Road Ambikapur P.S. and Tahsil - Ambikapur, District - Surguja Chhattisgarh. (Insurer), District : Surguja (Ambikapur), Chhattisgarh
4. Kaimun Bibi W/o Gulam Chisti, Aged About 44 Years, R/o Village and Post- Madwaniya, P.S – Ramna, District - Garhwa (Jharkhand) Pin 822128 Present Address Ward No. 40 in the house of Tibat Bibi Pairadise Gali Mominpura Ambikapur District- Surguja Chhattisgarh. (Claimant No.2), District : Surguja (Ambikapur), Chhattisgarh

----Respondents

For Peitioner – Shri A.N. Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2021

Heard.

1. This petition has been brought being aggrieved by the order of learned Motor Accident Claim Tribunal Ambikapur, District Surguja, Chhattisgarh dated 23-11-2020 by which the prayer of the petitioner for premature withdrawal of the amount in the fixed deposit has been dismissed.
2. The petitioner is one of claimants in M.A.C. No.128/2018 in which the award of compensation has been passed in his favour on 06-03-2019 and amount of Rs.3,00,000/- have been deposited in fixed deposit account by the

orders of the Tribunal for a period of three years. The petitioner had filed an application praying for premature withdrawal of the amount on the ground that he requires the money for expenditure on the marriage of his daughter. The application was dismissed by the impugned order. Subsequent to which, the petitioner had to borrow money from his relatives for the expenses of the marriage of his daughter. Therefore, it is prayed that the petition be allowed and relief be granted to the petitioner.

3. Considered on the submissions. The fact mentioned in the submission made that the petitioner had to borrow money for the purpose of performing marriage of his daughter was not present before learned Motor Accident Claim Tribunal Ambikapur. Therefore, the petition is disposed off. The petitioner is granted liberty to file fresh application making prayer for premature disbursal of the amount in the fixed deposit on the ground that is mentioned hereinabove.

Sd/-
(Rajendra Chandra Singh Samant)
Judge