

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.503 of 2021

- Brijlal S/o Ramadhin Aged About 40 Years Occupation Agriculturist, R/o Village Jhanshi, Post Basdai, Thana And Tahsil Surajpur, District - Surajpur (C.G.)

---- Petitioners

Versus

1. Branch Manager, Bajaj Allianz General Insurance Co. Ltd. G.E. Plaza, Airport Road, Yarwada, Pune(India) 411006, Policy Servicing Office- Shiv Mohan Bhawan, Vidhan Sabha Marg, Pandri, Raipur (C.G.), (Insurance Company)
2. Parmeshwar Singh & Kunder S/o Shivdhari Singh Aged About 34 Years Occupation - Driver, R/o Village Jhanshi, Post Basdai, Thana And Tahsil Surajpur, District - Surajpur (C.G.) (Driver Of Offending Vehicle)
3. Goverdhan Singh S/o Late Hirasai Aged About 65 Years R/o Village Sunderpur, Post Sirsi, Odgi Road, Bhaiyathan Tah. Bhaiyathan, District - Surajpur (C.G.) (Owner Of The Offending Vehicle)

---- Respondents

For Petitioner

– Mrs. Meena Shastri, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 03.09.2021 passed by the learned Motor Accidents Claim Tribunal Surajpur, District Surajpur, C.G. in Execution Case No.21/2012.
2. Petitioner is claimant in Motor Claim Case No.21/2012, in which he has been awarded compensation of award dated 31.10.2014. The

respondent No.2 and 3 challenged this award in M.A.(C.) No.355/2015 which has been disposed off vide order dated 24.06.2021. Although, there is no direction for the Appellate Court for depositing the part of the compensation in fixed deposit, but the Execution Court of the A.M.A.C.T. Surajpur has passed such order directing the deposit of Rs.3,97,098/- in fixed deposit in a nationalized bank for a period of 5 years because of which, this petitioner is aggrieved.

3. Considered on the submissions, the Executing Court has such authority to direct for keeping the amount in fixed deposit in the interest of the claimant himself. However, if the petitioner/claimant has any requirement or necessity of premature withdrawal of the same, then he is at liberty to file such application before the learned A.M.A.C.T. and after any such application is filed by him then the learned A.M.A.C.T. is also directed to consider on the same and decide accordingly.
4. It is submitted that learned counsel for the petitioner intends to file such application, therefore, if any such application is filed than the learned A.M.A.C.T. is directed to decide the same within a time frame of one month.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge