

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 684 of 2021**

Lenika Telam, D/o. Late Budhram Telam Aged About 20 Years R/o Musalar
Post Dhanora Tahsil And District Bijapur (C.G.)

---- Petitioners**Versus**

1. Ravi Vishwakarma S/o Rajaram Vishwakarma Aged About 33 Years
R/o Rajendra Nagar Ward Jagdalpur P.S. Jagdalpur District Bastar
(C.G.) (Driver Of The Vehicle)
2. Smt. Sadhna Thakur W/o Banshilal Thakur R/o Nayamunda Ward
Jagdalpur District- Bastar (C.G.) (Owner Of The Vehicle)
3. The Branch Manager Shri Ram General Insurance Company Limited,
E-8 EPIP PIICO Industrial Area Seetapur Jaipur (Raj.) (Insurer)

---- Respondents

For Petitioner : Mr. P.K. Tulsyan, Advocate

Hon'ble Shri Rajendra Chandra Singh Samant**Order on Board****03.12.2021**

Heard

1. This petition has been brought being aggrieved by the order dated 07.10.2021, passed by the learned Additional Motor Accidents Claims Tribunal, South Bastar, Dantewada dismissing the application filed by the petitioner praying for premature withdrawal on the fixed deposit account.
2. It is submitted that the petitioner was claimant in the Claim Case No.25/2014, in which by award dated 02.09.2019, she has been granted compensation. It is by the order of the Court, the amount of Rs.53,67,178/- is deposited in the Axis Bank in fixed deposit account for a period of 84 months on 31.12.2019.
3. It is submitted that the petitioner intends to purchase landed property regarding which she has entered into an agreement with the vendor Kannam Yashraj on 26.08.2021, the petitioner requires the amount of

Rs.25,00,000/- for payment of consideration and execution of sale deed.

4. It is submitted that the learned Tribunal has held that the petitioner is at present residing in the house of her maternal grand father and she is also pursuing studies, therefore, she has no requirement and the application has been rejected. This order is erroneous, arbitrary and illegal. Hence, it is prayed that the relief be granted to the petitioner.
5. Considered on the submissions. The impugned order has been passed after making enquiry, in which the statement of the vendor Kannam Yashraj has been recorded, which shows the bonafides of the transaction present between the petitioner and the vendor of the landed property. The petitioner is only 19 years old girl and she has no other source of income. Further the most important thing is that she wants to make investment in the property, which will certainly have appreciation of value in future, therefore, this fact should have been appreciated by the learned trial Court. Hence, dismissal of the application appears to be erroneous.
6. Hence, this petition is allowed. The impugned order dismissing the prayer of the petitioner is set-aside. The learned Additional MACT, Dantewada is directed to permit the petitioner to make partial withdrawal of Rs.25,00,000/- from the fixed deposit account of Axis Bank and pass orders accordingly to comply with the direction of this Court.
7. With these observations, this petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge