

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28428 of 2022

Sumitra @ Jamuna Mallick ***Petitioner***
Mr. K.C.Rajguru Mohapatra, Advocate
-versus-
Meera Mohanty and another ***Opp. Parties***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with a prayer for direction to the learned Tribunal to release the awarded amount in favour of the petitioner instead of keeping the same in fixed deposit as has been directed by the learned Tribunal in its award under Annexure-1.
4. It is submitted by learned counsel for the petitioner that the petitioner, who met with an accident, has suffered serious injuries and for her treatment, she requires money for surgical intervention. However, she is necessity to arrange money for her treatment. Further, learned counsel for the petitioner draws attention of this Court to the order dated 09.09.2022 passed by the learned 3rd M.A.C.T., Cuttack, which reveals that the matter has been settled to the aforesaid order dated 13.08.2022 at the National Level Lok

Adalat on compromise for a sum of Rs.1,50,000/-. Thereafter, on perusal of the order dated 09.09.2022, it reveals that the awarded amount deposited by the M/s. New India Assurance Co. Ltd- Opposite Party no.2 and such deposit has been directed to be kept in a fixed deposit till she attains the age of majority. Further, the said fixed deposit is also subject to condition that no premature withdrawal of the said fixed deposit in any manner whatsoever without prior permission of the Tribunal. Being aggrieved on the said condition, the petitioner has filed the present writ petition challenging the said condition imposed vide order dated 09.09.2022.

5. However, on careful scrutiny of the order dated 09.09.2022, it appears that the deposits can be withdrawn with the prior permission of the learned Tribunal. Therefore this Court is of the considered view that if the petitioner approaches before the learned Tribunal, the same shall be considered by the said Tribunal.

6. Considering the submissions made and the limited nature of grievance involved in the present writ petition, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file an appropriate application before the learned Tribunal within a period of one week hence and in that event, such application is presented by the petitioner, the learned 3rd M.A.C.T., Cuttack shall keeping in view the petitioner herself-victim and she requires money for her treatment and accordingly pass necessary orders for disbursal of the amount in favour of the petitioner within a period of two weeks thereafter. It is needless to mention here that the application of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said application shall be communicated to the petitioner within a

period of ten days thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

