

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.311 of 2020

- Neelmani Sharma S/o Srinath Sharma Aged About 26 Years R/o Civil Line, Mahasamund, Police Station Mahasamund, Tahsil And District Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. Nabi Khan S/o Natthu Khan Aged About 26 Years R/o Nayapara, Mahasamund Ward No. 04, Police Station And District Mahasamund, Chhattisgarh
2. Smt. Sharda Chandrakar, W/o Umashankar Chandrakar, Aged About 25 Years R/o Ward No. 18, Kumharpara Mahasamund, Police Station And District Mahasamund (Chhattisgarh)
3. Branch Manager, Reliance General Insurance Company Limited, Ravi Bhawan, Jai Stambh Chowk, G.E. Road, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

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

23-03-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 17.01.2020 passed by the learned Second Additional M.A.C.T., Raipur, C.G. dismissing the application filed by the petitioner for premature disbursement of the amount in fixed deposit.
2. It is submitted by the learned counsel for the petitioner that the petitioner has been awarded compensation in Claim Case No.75/2012 by an award dated 12.01.2018. Although he was given part of the award Rs.2,65,000/- but the amount has been spend for the reason that the applicant had to pay back the amount borrowed for his treatment. The applicant wants to set up his livelihood and for that reason, he has

entered into an agreement for a rented shop and also produced the estimate showing the necessity of funds for starting a utensil shop. The learned M.A.C.T. has without appreciating the genuineness of the applicant's prayer has rejected his application in an arbitrary manner. Hence, it is prayed that interference be made.

3. Considered on the submission, the ground on which the application has been rejected by the learned M.A.C.T. cannot be appreciated because the setting up of livelihood has more importance than keeping the amount in fixed deposit. Therefore, I am of this view that the prayer made by the petitioner was bonafide and that should have been appreciated and relief should have been granted to the petitioner. Hence, the petition is disposed off at motion stage. The learned Tribunal is directed to permit the petitioner to make premature withdrawal from the amount that is kept in fixed deposit by the orders of learned M.A.C.T.
4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika