2026:CGHC:3525

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 81 of 2026

1. Sundarlal Sonani S/o Purushottam Sonani Aged About 48 Years R/o 68 Camp 02 Sant Ravidas Nagar Power House Bhilai,tahsil And District Durg (C.G.).
2. Ranjana Sonani W/o Sundarlal Sonani Aged About 40 Years R/o 68 Camp 02 Sant Ravidas Nagar Power House Bhilai,tahsil And District Durg (C.G.).

... Petitioners

versus

1. Dhaneshwar Netam S/o Punarad Netam Aged About 43 Years R/o House No. 262 Ward No. 5 Dantewada,tahsil And District Dantewada (C.G.).
2. Manager Tata Aig General Insurance Company Ltd. Branch Office, 3rd Floor S/n 345/347, Lal Ganga Shopping Mall, G E Road Raipur (C.G.).

... Respondents

(Cause title taken from Case Information System)

For Petitioners	:	Mr. Vidya Bhushan Soni, Advocate.
For Respondents	:	None.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

21/01/2026

1. Heard.

2. This writ petition has been filed by the petitioner under Article 227 of the Constitution of India, challenging the order dated 03.11.2025 (Annexure-P/1) passed by the learned Second Motor Accident Claims Tribunal, Durg (C.G.) (for short 'Claims Tribunal') in MACT/493/2019, whereby the application filed by the petitioners for premature withdrawal of the amount, which has been invested in the Fixed Deposit is rejected.

3. Learned counsel for the petitioners would submit that petitioners' son namely Rohan Lal met with an accident on 29.05.2019 and passed away. Seeking compensation on account of his death, an application under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act) was filed by the petitioners before the Claims Tribunal, which was registered as MACT/493/2019. He further submits that Claims Tribunal vide its award dated 19.04.2024, awarded compensation of Rs.14,44,800/- along with interest. In compliance of the said award, the insurance company has deposited the awarded amount before the learned Claims Tribunal. Out of the total amount so deposited, 30% amount was paid to the petitioners, however, remaining amount was invested in Fixed Deposit for a period of 5 years. He would further submit that the daughter of the petitioners' namely Kusum Sonani is going to be married on 06.02.2026 and for that purpose, they are in need of some more amount. Thus, an application for prematurely withdrawal of Rs.5 Lakhs from the amount invested in the Fixed Deposit was made by the petitioner, which was rejected vide impugned order. Learned counsel for the petitioner would further submit that it is a common phenomenon that for a marriage of daughter, more expenses would be necessary and Claims Tribunal has not considered this aspect of the matter. Thus, the impugned order deserves to be set aside.

4. I have heard learned counsel for the petitioners and perused the documents annexed along with this writ petition.

5. From the record appended with the writ petition, it appears that an award was passed in favour of the petitioners, by which above stated amount of compensation was awarded and it appear that the said amount along with interest has been deposited by the insurance company. An application was filed by the petitioners indicating therein that an amount of Rs.9,43,822/- was invested as Fixed Deposit from 10.07.2024 to 10.07.2029 in the name of petitioner No.2/Ranjana Sonani in the Central Bank of India, Branch Padmanabhpur, Durg (C.G.) having an Account No.5632041158, Serial Number-449847.

6. Marriage Card is also appended, which indicates that the daughter of the petitioners' is going to be married on 06.02.2026. Learned Claims Tribunal looking to the reasons assigned in the application found, it is not prudent to premature disburse the invested amount, thus the application is rejected.

7. The petitioners are aged about 48 years and 40 years, respectively. They are mature persons and it is also not in dispute that marriage of their daughter is to take place. Ofcourse 30% of amount in cash was given to the petitioners, but for marriage purpose some more amount may be required by them to spend in the marriage of their daughter.

8. Thus, taking into consideration the above facts and circumstances, this Court is of the opinion that instead of Rs.5 Lakhs, Rs.3 Lakhs may be permitted to be prematurely withdrawn from the Fixed Deposit in the name of petitioner No.2/Ranjana Sonani in the Central Bank of India, Branch Padmanabhpur, Durg (C.G.) having an Account No.5632041158, Senior Number-449847. Thus, impugned order is set aside. The petitioners are permitted to premature withdrawal of Rs.3,00,000/- from the invested amount as Fixed Deposit. Learned Claims Tribunal is also directed to issue necessary directions, in this regard in compliance of this order.

9. Accordingly, the instant writ petition is partly allowed.

10. Interlocutory application(s), pending if any, also stand disposed of.

Sd/-
(Sachin Singh Rajput)
Judge

Deepti Jha