



2026:CGHC:3453



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 687 of 2025

1. Smt. Bijan Bala Jacob W/o Late Shri Anoop Jacob Aged About 59 Years R/o Sitaram Sharma Gali, Shantinagar Ward, Jagdalpur, District - Bastar (C.G.), (Claimants).
2. Shifa Jacob D/o Late Shri Anoop Jacob Aged About 34 Years R/o Sitaram Sharma Gali, Shantinagar Ward, Jagdalpur, District - Bastar (C.G.).
3. Rishabh Jacob S/o Late Shri Anoop Jacob Aged About 30 Years R/o Sitaram Sharma Gali, Shantinagar Ward, Jagdalpur, District - Bastar (C.G.)

... Petitioners

versus

1. Sudru Ram Kadti S/o Hidmaram Kadti Aged About 52 Years Address - Patel Para, Village - Gumda, Geedam, District - South Bastar Dantewada (C.G.), Current Address - Education Kanya Parisar, Block No.-2, Quarter No.-1, Geedam, District - South Bastar Dantewada (C.G.), (Driver Of Vehicle).
2. Satish Kumar Jaiswal S/o Ram Swarup Jaiswal Aged About 49 Years R/o - C/o Sandeep Kumar Singh, Maharana Pratap Nagar, Tifra, Bilaspur Industrial Estate, District - Bilaspur (C.G.), (Owner Of Vehicle).
3. Branch Manager New India Insurance Company Ltd., Address - Opp. Bhadoria Bhawan, Nayapara, Akashwani Road, Jagdalpur, District - Bastar (C.G.), (Insurance Company).
4. Branch Manager Union Bank Of India, Jagdalpur Branch, Main Pratapganj Para, Jagdalpur, District - Bastar (C.G.) - 494001, (Not A Party Before The Lower Court)

... Respondents

(Cause title taken from Case Information System)

For Petitioners	:	Mr. Arpit Agrawal, Advocate.
For Respondents No.3	:	Ms. Swati Agrawal, counsel appears on behalf of Mr. Pankaj Agrawal, Advocate.

**Hon'ble Shri Justice Sachin Singh Rajput****Order on Board****20/01/2026**

1. This writ petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:-

“(a) That this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, setting aside the impugned order dated 19.06.2025 passed by the Ld. Third Additional Motor Accident Claims Tribunal, Bastar, at Jagdalpur (C.G.) in Claim No.194/2025; and

(b) That, this Hon'ble Court may kindly be pleased to issue appropriate writ, order or direction, directing the respondent No.4 to immediately and forthwith release a sum of Rs. 15 Lakhs out of the petitioners' money in favour of the petitioners at the earliest, preferably within a week from the date of passing of the order, in light of the delay already occasioned in the release of the same, and the resultant damages suffered by the petitioners; and

(c) That, this Hon'ble Court may kindly be pleased to grant any other relief that it deems fit and proper in the facts and circumstances of the case.”

2. Learned counsel for the petitioners would submit that challenge in this writ petition is to an order dated 19.06.2025 passed by the learned Third Additional Motors Accident Claims Tribunal (for short 'Claims Tribunal'), Bastar, Place Jagdalpur (C.G.) in Miscellaneous Claim Case No.194/2025, by which the application of the petitioners for premature disbursement of the awarded amount invested in the fixed deposit, in light of the award dated 16.10.2023 passed in Claim Case No.45/2021 by the Third Additional Motors Accident Claims Tribunal (for short 'Claims Tribunal'), Bastar, Place Jagdalpur (C.G.) was rejected. Learned counsel for the petitioner submits that the petitioners filed an application under Section 166 of the Motors Vehicles Act, seeking compensation on account of death of Anoop Jacob, who happens to be the husband of petitioner No.1 and father of the



petitioners No.1 & 2, in an accident, occurred on 17.07.2020. The learned Claims Tribunal vide its award dated 16.10.2023 granted compensation of Rs.62,16,276/- in favour of the petitioners with 9% interest per annum to be paid by the driver, owner and the insurance company jointly and severally. In compliance of the said order, the insurance company had deposited the awarded amount before the learned Claims Tribunal. While making an apportionment of the said compensation, except Rs.8 Lakhs, rest of the amount has been invested in the fixed deposit in the name of petitioners and amount of Rs.21 Lakhs was invested in the name of petitioner No.3 in a fixed deposit in a nationalized bank for a period of 5 years, which is valid upto year 2029. He further submits that though an application for premature withdrawal of the said fixed deposit was made on behalf of the petitioner, however, that application was pressed only for petitioner No.3. He submits that petitioner No.3 is intending to start his own business for that purposes, he is in need of money, thus, the fixed deposit made in favour of the petitioner No.3 may be directed to be prematurely withdrawn to the extent of Rs.15 Lakhs.

3. Learned counsel appearing for the respondent No.3 submits that in compliance of the award dated 16.10.2023, amount has already been deposited by the respondent No.3/insurance company.
4. I have heard learned counsel for the parties and perused the material available on record carefully.
5. Perusal of the impugned order indicates that the petitioner No.3 is seeking Rs.15 Lakhs premature withdrawal of the invested amount. It has also been observed in the impugned order that the petitioner No.3 intends to start an hardware business, for which he is in need of Rs.15 Lakhs, he wants to withdraw prematurely Rs.15 Lakhs. The learned Claims Tribunal has observed that no experience certificate or necessary documents have been filed to demonstrate that he is intending to start hardware business. The



findings so recorded does not appears to be illegal or with any jurisdictional error. Thus, this writ petition fails.

6. Accordingly, the instant writ petition is dismissed. However, liberty is reserved in favour of the petitioners to make a fresh application in case of any exigency arises with proper document to support such application.
7. Interlocutory application(s), pending if any, also stand disposed of.

Sd/-
(Sachin Singh Rajput)
Judge

Deepti Jha