

Party Name : RAM MANIK DEBNATH&ANR Vs KHOKAN DEBNATH & ANR

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This matter has been listed on the note put up by the Registrar (Vigilance).

This Court vide its judgment dated 29.01.2015 had allowed the appeal, but had held that Sri Ram Manik Debnath, the father of the deceased was not entitled to any compensation and his claim was limited to the amount which had already been received by him. Therefore, obviously, he was not entitled to any portion of the enhanced amount.

Thereafter, a withdrawal petition being C.M. Application 141 of 2015 was filed and the affidavit was both of petitioner No.1 and petitioner No.2 and it was stated that the claimants are the parents of the deceased and therefore, they prayed for release of the amount. It was not pointed out to this Court that in the appellate judgment, this Court had specifically stated that the father will not be entitled to any amount. Thereafter, an order was passed on the C.M. application that out of the amount so deposited Rs.70,000/- be released in favour of the claimant-applicant No.1 Sri Ram Manik Debnath. It is obvious that this order was passed in total ignorance of the judgment dated 29.01.2015.

Therefore, the order dated 17.04.2015 is recalled and the application is dismissed. However, the wife should be at liberty to file a fresh application, if she desires.