

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 329 of 2016

1. Smt. Jyotsana Rai W/o Chandan Rai, aged about 26 years, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh.
2. Ku. Suhana Rai, D/o Late Chandan Rai, aged about 9 years, being minor through its mother Smt Jyotsana Rai, aged about 26 years, W/o Chandan Rai, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh.
3. Ku. Suchkan Rai, D/o Late Chandan Rai, aged about 7 years, being minor through its mother Smt Jyotsana Rai, aged about 26 years, W/o Chandan Rai, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh.
4. Ku. Mousmi Rai, D/o Late Chandan Rai, aged about 7 years, being minor through its mother Smt Jyotsana Rai, aged about 26 years, W/o Chandan Rai, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh.
5. Piyush Rai, S/o Late Chandan Rai, aged about 4 years, being minor through its mother Smt Jyotsana Rai, aged about 26 years, W/o Chandan Rai, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh.
6. Smt Hasirani, W/o Late Shantiranjan Rai, aged about 62 years, R/o. P. V. 07 (Kapsi) Tahsil and Thana Pakhanjore, Distt. U. B. Kanker Chhattisgarh. (Claimants)

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Versus

1. Urendra Mandavi, S/o Mahattar Ram Mandavi, aged about 27 years, R/o Village Tumrikutti (Bhiragaon), Bhanupratappur, Distt. U.B. Kanker Chhattisgarh – (Driver)
2. Shri Shyam Singh Netam, S/o Jangluram Netam, aged about 35 years, R/o Nehru Nagar, Bhanupratappur, Distt. U.B. Kanker (Chhattisgarh) – (Owner)
3. Bajaj Alliance General Insurance Com. Ltd. through Shiv Mohan Bhawan, Vidhansabha Road, Pandri, Distt. Raipur 492001 Chhattisgarh – (Insurer).

---- Respondents

For Petitioners – Shri Parag Kotecha, Advocate.
For Respondents – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

12/05/2016

1. It is submitted on behalf of the petitioners that the respondents are only proforma party as the matter had already been amicably settled and disposed of in Misc. Appeal (C) No.1110/2015 in the National Lok Adalat held by High Court of Chhattisgarh vide award dated 12-12-2015 and as the matter is in relation with the disbursement of the amount so settled in the Lok Adalat, the matter could be disposed of finally at the motion stage itself without even noticing to the respondents.
2. On due consideration, the instant WP(227) heard finally at the motion stage itself without even noticing to the respondents as they are not contesting respondents for the cause.
3. At the outset, learned counsel for the petitioners submits that they are praying that the order passed by the executing court dated 08-04-2016 be modified to the extent in which the executing court directed that the proportionate share to the extent of Rs. 80,000/- shall be deposited in the name of petitioner No.1 in a fixed deposit for a period of three years in any nationalized bank; they are not assailing the other part of the order.
4. Learned counsel for the petitioners submits that as petitioner No.1 wife of Chandan Rai who met accident and died, aged about 26 years, is a major and a woman who knows the welfare of her family well, she can utilize the amount if given in cash for her and family welfare, the matter amicably settled before the National Lok Adalat held at High Court of Chhattisgarh, the family requires money for their educational and other requirements and as the major part of the amount, i.e., Rs.96,000/- deposited in the name of petitioners 2, 3, 4 and 5 as they are minor till they attain majority, the petitioner No.1 is having hardship for maintenance of family after the death of her husband, therefore, Rs.80,000/- may be given in cash.

5. Vide award dated 12-12-2015 passed by the National Lok Adalat held by High Court of Chhattisgarh the said Misc. Appeal (C) No.1110/2015 was disposed of whereby and whereunder the parties to the said miscellaneous appeal amicably settled their dispute and respondent No.3 – Bajaj Alliance General Insurance Com. Ltd. agreed to pay Rs.2,00,000/- in addition to amount awarded by learned Tribunal. After the award so passed respondent No.3 had deposited the said amount before the Tribunal on 08-04-2016. The executing court after hearing the parties, directed disbursement of said amount between the petitioners as mentioned in the impugned order dated 08-04-2016.

6. Upon due consideration, looking to the entire submission made on behalf of the petitioners, without commenting anything, it would be appropriate to modify the said part of the order wherein the executing court directed that Rs.80,000/- shall be deposited in a nationalized bank in the name of petitioner No.1 as fixed deposit for three years.

7. Consequently, the instant WP(227) is hereby disposed of. The said part of the order of the executing court regarding deposit of Rs.80,000/- in the name of petitioner No.1 in a fixed deposit for three years in a nationalized bank is hereby modified and the executing court is directed to release the said Rs.80,000/- in cash to petitioner No.1 and directed to issue appropriate direction to the said bank for release of amount Rs.80,000/- in cash in the name of petitioner No.1. Other parts of the impugned order are hereby affirmed.

8. The petition disposed of.

9. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE