

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.13 of 2017**

1. Dilip Sachdev son of late Prakash Sachdev, aged about 40 years,
2. Smt. Renu Sachdev daughter of late Prakash Sachdev, aged about 44 years,
3. Kailash Sachdev son of late Prakash Sachdev, aged about 42 years,
No.1 to 3 are resident of House No.5, Maruti Kunj, Mahua Bazar, Police Station-Amanaka, District-Raipur (CG)
4. Vinod Sachdev son of late Prakash Sachdev, aged about 45 years, resident of Shukla Bada, New Shanti Nagar, Police Station Civil Line, Raipur, District-Raipur (CG)

--- Petitioners

Versus

1. Madanlal Jain son of Bansi Lal Jain, resident of Medical College Road, Kachahari Chowk, Raipur (CG)
2. Oriental Insurance Company Limited, Durg Division Office, Nahar Building 35, Malviya Road, Durg, District-Durg (CG)
3. The Commissioner Workmen's (Employees) Compensation-Cum-Labour Court, Raipur, District-Raipur (CG)

---- Respondents

 For Petitioners : Mr.Alok Nigam, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/1/2017**

1. The present writ petition has been filed in the peculiar facts of the case:-

The case of the petitioners in brief is that one Smt. Leela Sachdev had filed an appeal before this Court under Section 30 of the Workmen's Compensation Act, 1923, which was registered as M.A.No.669 of 2001. The said appeal was filed against the order dated 31.7.2001 passed by the Commissioner for Workmen's

Compensation, Labour Court, Raipur in Case No.6/W.C. Act Fatal/98. The said M.A. was allowed in part vide judgment dated 23.1.2014 and it was ordered that the claimants are entitled for interest @ 12% per annum from 26.3.93 onwards.

2. After disposal of Misc. Appeal, the Insurance Company has honored the order of this Court and has deposited ₹ 1,53,000/- before the Commissioner for Workmen's Compensation, Labour Court at Raipur.
3. The present petitioners (legal heirs of late Smt. Leela Sachdev) have moved an appropriate application for release of the said amount before the Commissioner for Workmen's Compensation, Labour Court, Raipur, which stands rejected vide impugned order dated 28.10.2015.
4. Rejection of the application is on the ground that there is no proof to accept the fact that the petitioners are in fact legal heirs of Smt. Leela Sachdev in whose name cheque has been deposited by the Insurance Company before the Commissioner for Workmen's Compensation, Labour Court, Raipur. Another fact which has been reflected from the order of rejection of the Labour Court is the fact that Misc. Appeal was decided on 23.1.2014, but the appellant in the said appeal i.e. Smt. Leela Sachdev had already died on 12.9.2007 and there was no step taken on the part of the present petitioners or any other legal heirs of Smt. Leela Sachdev to be substituted to prosecute the appeal. In the given factual backdrop, the Labour Court has rightly refused to release the payment to the petitioners.
5. In the instant case, through the present writ petition, the

petitioners pray for direction to the Labour Court for release of the said amount lying in the name of Smt. Leela Sachdev as they are legal heirs of Smt. Leela Sachdev.

6. This aspect cannot be considered and looked into in the present writ petition at this juncture for the simple reason that this Court without an appropriate enquiry cannot decide whether the petitioners are in fact the legal heirs of Smt. Leela Sachdev.
7. Accordingly, the present writ petition is disposed of with a direction to the petitioners to first obtain a succession certificate in their favour by establishing the fact that they are the legal heirs of Smt. Leela Sachdev. It is further directed that in case the petitioners are able to obtain the succession certificate, on the basis of said certificate they may move an appropriate application afresh before the Labour Court for release of the amount lying in the name of Smt. Leela Sachdev. Upon such application, if moved, it is expected that the Commissioner for Workmen's Compensation, Labour Court, Raipur shall entertain the application and pass an appropriate order.
8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

(P. Sam Koshy)
Judge

B/-