

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 331 of 2017

Rajkapoor Prajapati S/o Shri Premlal Prajapati, Aged About 30 Years
R/o Village Demar, Dhamtari, Tahsil And District Dhamtari
Chhattisgarh

---- Petitioner

Versus

1. Firoz Khan S/o Shri Jumman Khan, Aged About 43 Years R/o Abdul Ward, Moudahapara, Raipur, District Raipur Chhattisgarh
2. The Oriental Insurance Company Limited Through Divisional Manager, Divisional Office No.2, Devendra Nagar, Road, Raipur, District Raipur Chhattisgarh
3. Firoj Khan, S/o Abdul Rahim Khan R/o Moudahapara, Raipur, District Raipur Chhattisgarh
4. Mohd. Rashid Khan, S/o Mohd. Haneef Khan, Aged About 23 Years Musalman, R/o Rambag Basti, Dhamtari, District Dhamtari Chhattisgarh
5. M/s Dhamtari Roadways, Proprietor Shri Rameshwar Lal Sahu, R/o New Bus Stand Dhamtari, District Dhamtari Chhattisgarh
6. The Oriental Insurance Company Limited Through Divisional Manager Divisional Office No. 1, Madina Building Jail Road, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Neeraj Pradhan, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/05/2017

(1) The Claims Tribunal, by its award dated 17.12.2014, out of total award amount, directed payment of Rs.4,54,692/- by cash through account payee cheque and amount of Rs.3,03,128/- be directed to be deposited in a fixed deposit for five years in a nationalized bank.

(2) The petitioner made an application for release of the amount of Rs.3,03,128/- on the ground that he has been married recently and

outstanding amount has to be paid, which has been incurred in the marriage, which has been rejected by the Claims Tribunal by the impugned order dated 14.02.2017, against which, instant writ petition has been filed questioning the same.

(3) I have heard learned counsel appearing for the applicant and perused the order impugned with utmost circumspection.

(4) The trial Court has not assigned any valid and sufficient reason in the impugned order as to why the petitioner is not entitled for the said amount of Rs.3,03,128/-, thus, the petition deserves to be allowed.

(5) Accordingly, the writ petition is allowed. Impugned order dated 14.02.2017 is set aside. The Claims Tribunal is directed to consider the application filed by the petitioner afresh and decide the issue as to why the petitioner is not entitled for the said amount by reasoned and speaking order within a period of 45 days from the date of receipt of certified copy of this order.

(6) No order as to costs.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-