

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 577 of 2018**

- Deepti Sharma D/o Harish Sharma, Aged About 23 Years R/o Kailash Pawar, Chikhali, Tahsil And District Rajnandgaon, Chhattisgarh. Through Supurddar, Hotri Nandan Mishra S/o Late Shri Baldau Prasad Mishra. R/o Rajapar, Dondilohara, Ward No. 8, P. S. Dondilohara, District Balod, Chhattisgarh.Judgment Debtor

---- Petitioner**Versus**

1. Smt. Lomas Bai W/o Bisaru Ram Sinha, Aged About 33 Years
2. Ku. Ritu D/o. Late Bisaru Ram Sinha, Aged About 16 Years
3. Rajesh Kumar S/o Late Bisaru Ram Sinha, Aged About 14 Years
4. Nitesh Kumar S/o Late Bisaru Ram Sinha, Aged About 12 Years

No.2 to 4 are Minor Through Legal Guardian Mother Lomas Bai W/o Late Bisaru Ram Sinha (Respondent No. 1),

5. Moha Lal S/o Late Dayaram, Aged About 67 Years
6. Goutarhin Bai W/o Mohan Lal, Aged About 60 Years

No. 1 to6 are R/o. Village Jamgaon, P.S. And District Balod Chhattisgarh

7. Ravishankar Thakur S/o Shri Fakir Ram Thakur, Aged About 28 Years R/o. Jatadah, P.S. Dondilohara, District Balod Chhattisgarh
8. Shriram General Insurance Company Limited, Through Presiding Officer, E-8, Rico Industrial Area, Sitapur Jaipur, District Jaipur (Rajasthan),

---- Respondents

For Petitioner : Ms. Hamida Siddiqui, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/07/2018**

1. Heard.
2. The present petition is filed against the order dated 23.06.2018, whereby the application filed by the respondents for sending jail to the judgment debtor

was allowed. The award in a compensation was passed in favour of claimants on 24.01.2015.

3. Learned counsel for the petitioner submits that without service of the summons/notice and attachment warrant, directly the Court has directed for arrest warrant, which cannot be passed. She further submits that the petitioner is a lady having two kids and residing separately, therefore, the order impugned may be set aside.
4. Perusal of the order and the documents shows that an award was passed on 24.01.2015, wherein an amount of Rs.6,32,500/- was directed to be deposited and the petitioner herein was jointly held liable to pay the compensation as the owner of the offending vehicle bearing registration No.CG-04-ZA-7682. Considering the background of this case and the past record that service was being availed by petitioner, at this stage, it is directed that the petitioner shall furnish before the Court below particulars of all the movable and immovable properties held by her, which in turn may allow the Court to attach the same. The petitioner shall further be obliged to deposit an amount of Rs.1,50,000/- within a period of 15 days from today. In such eventuality on compliance of aforesaid directions, the execution of the arrest warrant shall remain stayed. It is further directed that the particulars of the property held by the petitioner on having been furnished before the Court, the Claims Tribunal shall proceed accordingly for attachment and sale of the other movable and immovable property of the petitioner. The claimants shall be entitled to receive the amount so deposited by the petitioner according to the award dated 24.01.2015.
5. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu