

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WP227 No. 632 of 2018

National Insurance Company Limited through The Divisional Office Complex, Gurudwara Road, Durg, District Durg, Chhattisgarh.Judgment Debtor, --- **Petitioner**

Versus

1. Reshmi Thakur W/o Late Ram Kumar Thakur Aged About 48 Years R/o Village Limhatola, Tahsil Balod, District Durg, Chhattisgarh.Decree Holder.,
2. Purushottam Lal S/o S/o Late Ram Kumar Thamkur Aged About 26 Years R/o Village Limhatola, Tahsil Balod, District Durg, Chhattisgarh.
3. Ku. Tekmani Thakur D/o D/o Late Ram Kumar Thakur Aged About 18 Years R/o Village Limhatola, Tahsil Balod, District Durg, Chhattisgarh.
4. Janardan Singh Thakur S/o late Ram Kumar Thakur Aged About 12 Years Minor Represented, through Mother Smt. Reshmi Thakur Wife of Late Ramkumar Thakur. R/o Village Limhatola, Tahsil Balod, District Durg, Chhattisgarh. --- **Respondents**

03.08.2018	Mr. Goutam Khetrapal, counsel for the petitioner. This writ petition is against the order dated 12.03.2018 passed by the learned First Additional Motor Accident Claims Tribunal, Balod whereby the application under Order 21 Rule 37 of CPC filed by respondent no.1 for sending the person of petitioner' company to civil jail has been allowed. It is contended by the petitioner that the impugned order would show the Tribunal has reflected its mind in the order despite the fact that reply was filed to the application under Order 21 Rule 37 CPC. It is stated that originally by award dated 24.03.2006 the learned Tribunal has granted compensation to the tune of Rs.5,38,436/- to the claimants/ respondents with interest @ 6% per annum and on appeal being filed by the claimants, the said amount was further enhanced to Rs.7,22,431/- with interest thereon @ 6% per annum from the date of filing of claim petition. In the meanwhile, on 26.06.2006 the petitioner Company has deposited the awarded amount with interest i.e., Rs.5,81,275/- by way of Cheque. Subsequently as per the enhanced award, the Company has deposited Rs.2,42,517/- including interest on 30.07.2015 and thereafter on	

R a o	17.03.2016, an amount of Rs.59, 590/- was again deposited. Therefore, the Court below should not have passed the order disclosing its mind. A perusal of the order would show that the Court has not passed any final order. The fact remains that the reply is already on record whereby it is shown that the company has deposited money in the intermittent period. Consequently, at this stage, this court is not inclined to sustain the order dated 12.03.2018 and it is expected that the learned Tribunal shall take into account the entire deposit made and the reply of the petitioner and thereafter will pass appropriate orders if so required. Accordingly, the order dated 12.03.2018 is set aside. With such observation, this petition stands disposed of. Sd/- GOUTAM BHADURI JUDGE	
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