

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 567 of 2019

1. Bhuvneshwari Gautam D/o Late Ramji Gautam Aged About 27 Years
2. Devendra Kumar Gautam S/o Late Ramji Gautam Aged About 22 Years
(Both are r/o Sasthi Temple, Subhash Ward, Parsabhader Road, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh)

---- Petitioners

Versus

1. Riyaz Ahmad Khan S/o Yunus Mohammad Aged About 45 Years R/o Village Kapa, Rajgarh, Pratapgarh, Uttar Pradesh (Driver Of The Offending Vehicle CG-04-HU-7258)
2. Mohammad Raees S/o Yunus Mohammad Aged About 26 Years R/o Ward No.11, Bajrang Nagar, Raipur Chhattisgarh (Owner Of The Offending Vehicle CG-04-HU-7258)
3. The National Insurance Company Address Branch No. 1, Bhtani Complex, G. Road, Power House Bhilai, District Durg Chhattisgarh (Insurer Of The Offending Vehicle Cg-04-Hu-7258)

---- Respondents

For Petitioners	: Mr. Hemant Gupta, Advocate.
For Respondents	: Mr. Anil Gulati, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2019

Heard.

1. This petition has been brought being aggrieved by the order dated 22.06.2019 passed in unregistered execution case before the Court of Third Additional Motor Accident Claims Tribunal, Baloda-bazar.
2. Learned counsel for the applicant submits that the petitioners had filed a complaint case before the Court of Third A.M.A.C.T., Baloda-Bazar against the respondent. By the award dated 17.05.2018, the petitioners have been granted compensation. Respondent No.3 challenged that

award in M.A.C.T. No.1751/2018. At present a stay order is operating, however, there is no restriction of disbursement of the amount deposited by respondent No.3. It is submitted that the applicants had entered into an agreement for purchase of property for which they required a disbursement of the amount in fixed deposits which has been deposited according to the orders of the learned A.M.A.C.T. The Learned A.M.A.C.T. has without giving proper consideration has rejected the application. Hence, this petition.

3. Learned counsel appearing for respondent no.3 makes an objection to the disbursement of the amount deposited submitting that the 75% amount of compensation has been deposited as a condition put by this Court in the stay order. Therefore, this amount which is with respect to condition of this Court cannot be disbursed.
4. Heard learned counsel for both the parties and perused the documents present.
5. Learned A.M.A.C.T. has examined the necessity of the petitioners finding some discrepancies in the details given in the inquiry that was made before passing the order and the application has been dismissed.
6. On perusal of the impugned order, it is found that there is no denial that an agreement was executed between the parties for purchase of property by the petitioners but reason mentioned for rejection is that one of the petitioners has signed the agreements and there is no specific details as to how much amount is said to be withdrawn from each of the fixed deposits. On these grounds, the application has been rejected. After due consideration, I am of this view that the petitioners can re-agitate, their prayer before the learned A.M.A.C.T. by providing the details with respect to withdrawals be made from each of the fixed

deposits and also explaining as to why one of the petitioners has not put her signatures in the agreement and otherwise. The necessity has been examined by the learned A.M.A.C.T. The discrepancies pointed out in the impugned order can be reconsidered and an appropriate order can be passed on that basis. Therefore, this petition is disposed off at the motion stage. The petitioners are directed to file the details and the explanation regarding the points raised in this order before the learned A.M.A.C.T. and the learned A.M.A.C.T. is also directed to reconsider and pass appropriate order in accordance with law.

7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika