

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 1027 of 2019**

1. Mu. Savitri Patel W/o Late Komal Patel, aged about 40 Years
2. Gayatri Patel D/o Late Komal Patel, aged about 15 Years
3. Tekram Patel S/o Late Komal Patel, aged about 13 Years
4. Mu. Bodhmati W/o Khageshwar Patel, aged about 60 Years, Profession Housewife, Respondent no. 2 and 3 are minor hence representing through their mother Respondent no.1 Smt. Savitri Patel, All R/o Village Kodkel, P/s. Tamnar District Raigarh, at Present R/o Panchwati Colony, Boirdadar, Chakradhar Nagar, Tahsil and District Raigarh (C.G.)

----Applicants**Versus**

1. National Company- Magma H.D.I. General Insurance Company, Through: Branch Manager Office, Momdi Complex, Dhimrapur Raigarh (C.G.) . At Present Chawla Complex, Third Floor, Devendra Nagar, Sai Nagar Road, Police Station - Devendra Nagar, Civil and Revenue District Raipur (C.G.)
2. Khiraud Kisan S/o Dhanurjay Kisan, aged About 35 Years, Profession - Vehicle Driver, R/o. Village Gurbahri, P/s. Tamnar District Raigarh (C.G.) (Driver of Metador No CG-13ZB-0108),
3. Naresh Agrawal S/o Bhagwandas Agrawal (Legal heir And before than vehicle manager of late Bhagwandas Agrawal) (Non applicant No. 2) Profession - Transport Business, R/o Near Gurunanak School, Gaurishankar Mandir Road, Sattigudi Chowk, Raigarh (Owner of Metador No. CG-13ZB-0108)

---- Respondents

For Applicants:

Shri Abhishek Saraf, Advocate

For Respondent No 1:

Shri Rohitashva Singh, Advocate

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****28/11/2019**

1. Today, the matter is listed for orders on admission.

2. With the consent of both the parties, the matter is heard finally.
3. This Court vide order dated 25.01.2017 passed in MAC No. 120/2017 while staying the operation of the impugned award directed the Insurance Company to deposit the entire awarded amount along with interest with the Registry of this Court to be invested in the FDR in the State Bank of India, High Court Branch and further directed that the said amount shall not be released in favour of the claimants unless specific orders are passed by this Court. Thereafter, the said appeal came to be dismissed by this Court vide judgment dated 11.04.2019.
4. By way of this MCC, the applicants have prayed for release of the amount deposited by the Insurance Company with the Registry of this Court in favour of the applicants/claimants.
5. Learned counsel appearing for the respondent No. 1/Insurance Company has no objection to the above prayer of the applicants.
6. In the given facts and circumstances of the case, the Registry is directed to transfer the amount deposited by the Insurance Company with it which is kept in the FDR in the State Bank of India, High Court Branch to the Motor Accident Claims Tribunal, Raigarh which, in turn, shall disburse the said amount to the claimants after due verification, in terms of the award passed by it.
7. In the result, the MCC stands allowed to the above extent.

Sd/-
Gautam Chourdiya
Judge