

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 777 of 2019

1. Smt. Milo Bai W/o Late Hemlal Korram, Aged About 52 Years, R/o Village Karrejhar, P.S. Gurur, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Shankarram Korram S/o Late Hemlal Korram, Aged About 19 Years, R/o Village Karrejhar, P.S. Gurur, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Petitioners

Versus

1. Ashok Kumar Kodopi S/o Krishnam Kodopi, Aged About 31 Years, R/o Village Gadpichhvadi, P.S. Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh
2. Khilesh Kumar Devangan S/o Chetanlal Devangan, Aged About 33 Years, R/o Kohkatola, P.S. and District Balod Chhattisgarh., District : Balod, Chhattisgarh
3. The New India Insurance Company Limited, Through Branch Manager, Branch Office, First Floor Rama Trade Center, In Front of Rajiv Plaza, Old Bus Stand Road, Bilaspur, Tahsil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioners – Shri Utkal Pradhan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-10-2019

1. Heard.

2. This petition has not been brought under Article 227 of the Constitution of India being aggrieved by the order dated 09-08-2019 passed by learned Second Additional MACT Bilaspur in which the application for release of compensation amount which is deposited in Fixed Deposit in Bank has been partially allowed.

3. It is submitted that the petitioner No.1 had made specific prayer in the application for release of compensation from Fixed Deposit in Bank on the ground that she has made agreement to purchase a house regarding which she has shortage of fund, hence, the whole amount of Rs.15,00,000/- be

released in her favour so that the purchase of house can be completed. The learned Court below has not considered the ground mentioned in the application and made order of partial release. Therefore, it is prayed that this Court may be pleased to interfere and pass appropriate order.

4. On perusal of the order dated 09-08-2019 passed by the Second Additional MACT Bilaspur, it is found that there is no mention of the ground in the consideration part of the order regarding requirement of the petitioners that petitioner No.1 has to purchase a house as she is at present living in a rented house. The petitioners have produced the agreement to purchase of the property and also other documents showing that the seller is owner of the said property. Therefore, this petition is disposed off at motion stage and learned Second Additional MACT, Bilaspur is directed to give reconsideration on the application of the petitioners by verifying the requirement shown by the petitioners in their application and pass appropriate order.

5. The petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge