

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 792 of 2019

- Lokesh Kumar Chandra, S/o Sanjeet Kumar, Aged About 35 Years, R/o Village - Kanwlajhar, Police Station & Tahsil Dabhara, District-Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Jitendra Kumar Kashyap, S/o G.L. Kashyap Aged About 25 Years R/o Village Sakraini, Police Station Talegram, Kannauje Uttar Pradesh. At Present Address Jindal Parking, Police Station-Kotra Road, District Raigarh Chhattisgarh. (Driver).
2. M/s Sangam Transport Service C.W. - 538, Sanjay Gandhi Transport Nagar - 110024 South Delhi / Delhi/ Proprietor Ajay Maini Son Of Late Jagirlal, Resident Of C.W. - 538, Sanjay Gandhi Transport Nagar Delhi - 110024 . (Owner).
3. The Divisional Manager, Divisional Office United India Insurance Co. Ltd., Korba, District-Korba, Chhattisgarh.

---- Respondents

For petitioner :Mr. H.S. Patel, Advocate.

For respondents :None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2019

Heard.

1. It is submitted that vide award dated 27.6.2018 passed in Claim Case No.62/16 the petitioner has been awarded compensation and so far the respondents have deposited only 50% of the total amount of compensation. On 21.6.2019 the petitioner filed an application praying for release of the entire amount deposited in his favor on the ground

that he has to repay the amount borrowed by him from his friends & relatives, however, the MACT concerned has rejected the said application arbitrarily.

2. On perusal of the impugned order dated 9.7.2019 passed by the learned MACT, it is found that necessity for the release of deposit made in favor of the petitioner herein has not been verified and examined by the MACT, therefore, I feel it proper to remand back the matter to the MACT concerned to consider and decide the petitioner's application afresh.
3. Accordingly, the impugned order dated 9.7.2019 is hereby set aside and the matter is remanded back to the MACT concerned with a direction to examine and verify the necessity as projected by petitioner in his application for release of compensation so deposited by the respondents with it, and thereafter to pass appropriate order on the said application in accordance with law.
4. The petition stands disposed off at the motion stage itself.

Sd/-

(Rajendra Chandra Singh Samant)
Judge