

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 962 of 2019

1. Smt. Shanti Bai Gendle W/o Late Vishal Singh Gendle Aged About 43 Years
2. Manish Gendle S/o Late Vishal Singh Gendle Aged About 20 Years
3. Manjeet Kumar Gendle S/o Late Vishal Singh Gendle Aged About 17 Years
4. Satyendra Kumar Gendle S/o Late Vishal Singh Gendle Aged About 15 Years

No.3 and 4 are minors represented through mother Smt. Shanti Bai Gendle. All are R/o Near Kali Mandir, Tifra, Police Station Sirgitti, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Petitioners

Versus

1. Chandrabhan Yadav, S/o Santosh Yadav, Aged About 28 Years,
2. Devdutt Yadav, S/o. Santosh Yadav, Aged About 24 Years,
Both are R/o. Village Bartori, Police Station Bilha, Tahsil Bilha, District Bilaspur, Chhattisgarh.
3. I.C.I.C.I. Lombard General Insurance Company Limited Through The Branch Manager, Second Floor, V.R. Plaza, Link Road, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

-----Respondents

For Petitioner : Mr. Gutam Khetrapal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/12/2019

1. This petition has been brought being aggrieved by the order dated 14.11.2019, passed by the learned 1st Additional Motor Accident Claims Tribunal, Bilaspur in unregistered M.J.C. of 2019.
2. The applicants are claimants in Claim Case No.676 of 2017 in which award dated 17.09.2018 was passed directing payment of

compensation in favour of the applicants. As the amount has been distributed between all the applicants and the same has been deposited in the fixed deposits in the bank, the applicant on the basis of their requirement to pay the amount borrowed for modification and renovation of their house, made prayer for release of the amount deposited in fixed deposit of applicant No.1 and 2. The learned M.A.C.T. has although allowed the application for release of the fixed deposit amount of the applicant No.2, however, the prayer made by the applicant No.1 was dismissed mechanically without giving any reason.

3. Perused the impugned order and also the application filed for release of the amount deposited. The learned Motor Accidents Claims Tribunal taken into account the expenditure regarding purchase of construction material only and has ignored the labour cost etc., which is also the part of the expenditure, therefore, the requirement would have been fulfilled only by release of the amount deposited in fixed deposit of the applicant No.1 and 2 both and also considering that there is no specific reason for dismissing the prayer of the applicant No.1, therefore, I feel inclined to dispose of this petition at motion stage. It is order ordered that the amount deposited in fixed deposit of applicant No.1 may also be released in her favour.
4. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge