

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.77 of 2020

1. Kaushalya Tandan W/o Late Shri Prakash Tandan Aged About 32 Years
2. Ku. Garima Tandan D/o Late Shri Prakash Tandan Aged About 11 Years
3. Prateek Tandan S/o Late Shri Prakash Tandan Aged About 7 Years
(Petitioner No. 2 And 3 Are Minor, Through Their Mother Kaushalya Tandan, W/o Late Shri Prakash Tandan 32 Years)
4. Sukwara Bai W/o Late Shri Tiharu Ram Aged About 61 Years
(All are r/o Anandpur, Police Station - Ramchandrapur, District - Balrampur - Ramanujganj, Chhattisgarh)

---- Petitioners

Versus

1. Vinod Kumar Rajak S/o Indradev Ram Rajak Aged About 30 Years
Occupation - Driver, R/o Barwadih, Police Station - Ramchandrapur,
District - Balrampur- Ramanujganj Chhattisgarh
2. St. Joseph English Medium School Vehicle Owner, Through Its
Manager, Office - Village- Vishunpur, Police Station - Ramchandrapur,
District - Balrampur- Ramanujganj Chhattisgarh
3. The Oriental Insurance Company Ltd. Regional Office - Rama Trade
Center, Near Bus Stand, Bilaspur Chhattisgarh

---- Respondents

For Petitioners : Mr. Sushil Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-01-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 17.12.2019 passed by the learned Second Additional Motor Accidents Claim Tribunal, District- Balrampur, Ramanujganj, C.G.
2. Learned counsel for petitioners submitted that the learned M.A.C.T. has allowed the application for premature release of the amount in fixed deposits in favour of the petitioners No.1 and 4, but the condition has

been imposed that amount of Rs.18.50,000/- shall be directly disbursed in the account of the vendor from whom the petitioners have agreed to purchase a piece of land. It is further submitted that according to the terms and conditions of agreement, the petitioners have to make payment at the time of registration, therefore, this order is erroneous which needs to be modified and it is prayed that the amount ordered to be directly disbursed in the account of the petitioners.

3. After perusing the impugned order, the petition is disposed off and it is ordered that the amount that has been released by the learned M.A.C.T. be directly credited into the account of the petitioners No.1 and 4, however, they will be required to present a bond making a declaration that they will make use of the amount disbursed in their favour for the purchase of the land and they shall also be required to present the copy of sale deed within a period of three months before the learned M.A.C.T. If the conditions for bond are not complied with, the learned M.A.C.T. shall be at liberty to proceed against the petitioners for contempt.
4. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika