

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 448 of 2020

1. Smt. Mousumi Dutta W/o Late Shri D.K. Dutta Aged About 56 Years Presently Residing At Goodwill Garden Chs, Sector-8, Plot No. 15 And 16, Flat No. B 704, P.O. Kharghar - 410210, Mumbai, District - Raigard (Maharashtra), Maharashtra
2. Ms. Soumi Dutta D/o Late Shri D.K. Dutta Aged About 28 Years Presently Residing At Goodwill Garden Chs, Sector-8, Plot No. 15 And 16, Flat No. B 704, P.O. Kharghar - 410210, Mumbai, District - Raigard (Maharashtra), Maharashtra
3. Ms. Saptami Dutta D/o Late Shri D.K. Dutta Aged About 26 Years Presently Residing At Goodwill Garden Chs, Sector-8, Plot No. 15 And 16, Flat No. B 704, P.O. Kharghar - 410210, Mumbai, District - Raigard (Maharashtra), Maharashtra

---- Petitioners

Versus

1. State Bank Of India Through Branch Manager, Branch I.T.I. Rampur, Korba, District- Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Canara Bank Through Branch Manager, Canara Korba, District Korba (Chhattisgarh), District : Korba, Chhattisgarh
3. Additional Motor Accident Claim Tribunal (F.T.C.) Korba, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Respondents

For petitioner	:	Mr. Vivek K. Agrawal, Advocate.
For Respondent No.1	:	Ms. Anuja Sharma, Advocate.
For Respondent No.2	:	Mr. Sunil Pillai & Mr. Sunil Verma, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/11/2020

1. This petition under Article 227 of the Constitution of India has been brought by the petitioner seeking indulgence of this Court for quashing the order of the learned Additional Motor Accident Claims Tribunal (F.T.C.), Korba freezing the **Financial Transmission Right (FTR)** of the account of the petitioner.

2. It is submitted by the learned counsel for petitioners, that the learned Tribunal has drawn the conclusion that the amount towards payment of compensation in favor of the petitioners has been paid in excess regarding which there is no specific finding as to what is amount in excess, even then the Tribunal has ordered for freezing of all the fixed deposits standing in the name of the petitioners. It is submitted by the learned counsel for petitioners, that specific direction be issued to the learned Tribunal to make calculation of the amount and interest, which has been ordered to be paid by the Tribunal within a time limit as framed by this Court and thereafter to pass order for defreezing fixed deposit accounts of the petitioners.
3. Respondent No.1 & 2 are represented. They have made formal objection.
4. The Insurance Company which has made payment of the award amount has not been made party in this petition. However, the petition is disposed of at motion stage. The learned Tribunal is directed to call objection, if any, from the Insurance Company i.e. non-applicant in the Claim Case No.57/2013, on the point of excess, payment regarding which the Court has made observations in the impugned memo and there after to make calculation of the award & interest and pass appropriate order, within a time limit, in accordance with law after affording the opportunity of hearing to the parties, so that the accounts that have been freezed by the impugned memo may be defreezed. Time limit of two months is fixed for compliance of this order.
5. The petition stands disposed off in the above term.

Sd/-

(Rajendra Chandra Singh Samant)
Judge