

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.143 of 2021

- Smt. Parvati Yadav Wd/o Late Ramkhilavan Yadav Aged About 57 Years
R/o Krishna Chowk, Mandirhasod, Ward No. 14, Police Station
Mandirhasod, Tehsil Arang, District Raipur Chhattisgarh

---- Petitioner

Versus

1. Dilip Kumar Kashyap S/o Badriprasad Kashyap Aged About 40 Years
R/o Lufa, Lahagabhata, Police Station Belnatna, Tehsil Kargi Road
Kota, District Bilaspur Chhattisgarh. Driver Of Vehicle No. C.G.10 P
7161
2. Kalandi Ispat Pvt. Ltd. C/o Rajendra Kumar Singhania, Plot No. 11/14,
Sector V, Sirgitti, District Bilaspur Chhattisgarh. Owner Of Vehicle No.
C.G.10 P 7161
3. The New India Assurance Company Limited Division Office No. 2,
Raipur Jail Road, Raipur Chhattisgarh. Insurer Of Vehicle No. C.G.10 P
7161
4. Santosh Yadav, aged about 33 years, S/o Late Ramkhilavan Yadav,
5. Gajanand Yadav, aged about 31 years, S/o Late Ramkhilavan Yadav,
6. Jitendra Yadav, aged about 22 years S/o Late Ramkhilavan Yadav,

(Respondents No.4 to 6 are claimants, all are r/o at Krishna Chowk,
Mandirhasod, Ward No.14, P.S. Mandirhasod, Tehsil Arang, District-
Raipur, C.G.)

---- Respondents

For Petitioner

– Mr. Akhilesh Mishra, Advocate.

S.B.- Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-11-2021

1. Heard on this petition.
2. It is submitted by learned counsel for the petitioner that the petitioner was applicant No.1 in Claim Case No.463/2018. Award dated 13.07.2019 was passed by the Lok Adalat granting compensation to the petitioners and others and an amount of Rs.2,50,000/- is deposited in the fixed deposit in Nationalized Bank for a period of 3 years. The petitioner had necessity to repair her house, in which she is residing, as the condition of the house is getting worse. Therefore, she filed application for premature release of Rs.1,50,000/- from the amount in fixed deposit, which has been rejected by the learned A.M.A.C.T. Raipur. Hence, the impugned order is unsustainable and it is prayed that an appropriate order may be passed.
3. Considered on the submissions. The application filed by the petitioner was decided on the same date it was filed. Therefore, the petition is disposed of at the motion stage. The impugned order is set aside. The application of the petitioner is restored. The learned A.M.A.C.T., Raipur is directed to reconsider on the application after making an inquiry regarding the requirement of the petitioner and pass appropriate order.
4. With these observations, this petition is disposed of.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge