

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 154 of 2021

1. Ten Singh Tandon S/o Yadram Tandon, Aged About 44 Years, Resident of Satnamipara, Ward No.10, Chorbhatthi, Mahasamund Sorid Road, Tahsil and District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Smt. Kumari Bai Tandon W/o Ten Singh Tandon, Aged About 41 Years, Resident of Satnamipara, Ward No.10, Chorbhatthi, Mahasamund Sorid Road, Tahsil and District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Smt. Karishma Tandon S/o Shri Ten Singh Tandon, Aged About 19 Years, Wife of Virendra Kumar Kosre, Resident of Village Paraskol, Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
(Applicants)

---- Petitioners

Versus

1. Ramashankar Yadav S/o Dhaniram Yadav, Aged About 38 Years, Resident of Village Pachehara, Post Raipalpur (Bhoupur), Police Station Navdutta, District Kanpur (Uttar Pradesh) (Driver of Vehicle Container No. N.L. 01 AC 6753)
2. O.S.L. Logistic Private Limited, Address-Ground Floor, Shop No. 53, in front of Maruti Gate No. 02, Old Delhi Road, Gudgaon (Owner of Vehicle Container No. N.L. 01 AC 6753)
3. Go Digit General Insurance Company Limited, through Divisional Manager, Divisional Office, Athlatish 95, 4/B, Kas Road, Kara, Mangola Industries Lay-Out Block-5, Bengluru (Karnataka) (Insurer of Vehicle Container No. N.L. 01 AC 6753)
(Non-applicants)

----Respondents

For Petitioner – Ms. Pushplata Khalkho, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-03-2021

1. Heard.
2. This petition has been brought being aggrieved by the order dated 08-01-2021 by which the application filed by the petitioners before learned 11th Additional MACT, Raipur, Chhattisgarh for early disbursal of the amount in fixed deposit has been rejected.
3. The petitioners were complainant in Claim Case No.302/2019 in which the compensation has been granted to them by award dated 14-09-2019. The compensation awarded has been deposited in fixed deposit according to the

order of learned MACT. The petitioners earlier filed application praying for release of amount from fixed deposit on ground that petitioner No.3 is getting married. Learned MACT had by order dated 13-02-2020 granted early disbursal of only Rs.1,00,000/- in favour of the petitioners. A repeat application was filed by these petitioners again on 05-12-2020 that the expenditure in the marriage had exceeded, for which they had to borrow money from their friends and relatives and therefore they require additional amount to be released from the fixed deposit for making repayment of the borrowed money. Learned MACT has rejected this application.

4. Considered on the submission.

5. The impugned order is set aside. The application for disbursal of amount in fixed deposit is restored. Learned MACT is directed to reconsider on this application after granting opportunity to the petitioners to file documents and other evidence in support of this ground that they are indebted and then pass fresh orders in accordance with law.

6. The petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge