

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 260 of 2021

- Smt. Padmani Ramteke W/o Mahesh Ramteke, Aged About 33 Years, R/o Village Jhodipara, Geedam, Tahsil and Police Station Geedam, District South Bastar Dantewada Chhattisgarh

---- Petitioner

(Claimant No.1)

Versus

1. Ramlal S/o Panduram, Aged About 26 Years, R/o Sonarpara, Geedam, Tahsil and Police Station Geedam, District South Bastar Dantewada Chhattisgarh (Driver), District : Dantewada, Chhattisgarh
2. Jogram Surana S/o Mulchand Suraja, Aged About 40 Years, R/o Harampara, Geedam, Tahsil and Police Station Geedam, District South Bastar Dantewada Chhattisgarh (Owner)
3. Branch Manager, The Oriental Insurance Company Limited, Laxman Avenue, Medical College Road, Jagdalpur, District Bastar Chhattisgarh (Insurer)
4. Mahesh Ramteke S/o Jhiru Ramteke, Aged About 28 Years, R/o Village Jhodipara, Geedam, Tahsil and Police Station Geedam, District South Bastar Dantewada Chhattisgarh. (Claimant No.2)

----Respondents

Non-applicants

For Petitioner – Shri Praveen Dhurandhar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

08-06-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 04-02-2021 passed by the Additional Motor Accident Claims Tribunal, South Bastar, Dantewada, Chhattisgarh dismissing the application of the petitioner filed for release of the amount in fixed deposit.
2. The petitioner is one of the claimants in Claim Case No.218/2014 in which award was passed on 03-10-2016 for grant of compensation in her favour. According to the orders of the learned Tribunal, a part of the amount is kept in fixed deposit in the name of the petitioner. The petitioner moved an application for premature release of the amount in the fixed deposit on the

ground that she requires the amount to repay the amount borrowed from other persons for the purpose of repairing her house which suffered damage by rain. The said application has been rejected by the impugned order.

3. It is submitted by learned counsel for the petitioner that the only reason given for rejection of the application of the petitioner is this, that her husband had also filed similar application which has been rejected by the same Court and therefore, there is no ground for consideration on that application and the same was rejected. It is submitted that learned Tribunal should have considered on the application of the petitioner on its own merits. Therefore, it is prayed that this petition should be allowed.

4. After considering on the submissions and perusing the documents filed along with the petition, this petition is disposed off at motion stage. The impugned order dated 04-02-2021 is set aside. Learned Tribunal is directed to reconsider the application filed by the petitioner for premature release of the amount in the fixed deposit on its own merits without reflecting on the order passed on the application filed by husband of the petitioner.

5. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge