

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.408 of 2021

1. Jhumman Lal Sahu S/o Late Bisesar Ram Sahu Aged About 47 Years
2. Smt. Kantibai Sahu W/o Jhumman Lal Sahu Aged About 46 Years
(Both are r/o Ward No. - 08, Village Amrikala, Post - Amrikala Police Station And Tehsil - Guru, District- Balod, Chhattisgarh)

---- Petitioners

Versus

1. Parasram Sahu S/o Late Bhagwatram Sahu Aged About 32 Years R/o Village- Gangolidih, Police Station - Daundi, District- Balod, Chhattisgarh
2. Khumaram Choudhary S/o Harjiram Choudhary R/o House No. 60, Baazaarpara, Bhanupratappur, Tehsil - Bhanupratappur, District- Kanker, Chhattisgarh
3. Branch Manager The New India Insurance Company Limited, Address- Vyavasayik Parisar Pandri, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioners

– Mrs. Aditi Singhvi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-08-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 03.08.2021 passed by the learned First A.M.A.C.T., Balod, C.G. dismissing the application of the petitioner praying for pre-mature release of the amount in fixed deposit.
2. The petitioners were applicants in Claim Case No.60/2019, in which by award dated 30.11.2019, the petitioners have been granted

compensation and part of the compensation amount has been deposited in the fixed deposit account by the order of the learned Tribunal.

3. It is submitted that the petitioners have made an agreement to purchase the land with construction on 12.03.2021, the part of the consideration amount that is Rs.6,10,000/- has been paid by the petitioners by making arrangement from the relatives, which they have to return to their relatives and the rest of the amount of consideration according to the agreement is still to be paid for the execution of the sale deed. The application filed for release of the amount on the basis of this requirement has been erroneously and arbitrarily dismissed. Hence, this petition.
4. Considered on the submissions. Considering that the learned A.M.A.C.T. has made an inquiry, in which the petitioners have made a statement on oath before the Court regarding their requirements. Even then, the same has not been taken into consideration. Therefore, I am of this view that the impugned order passed is erroneous and unsustainable. Hence, the petition is allowed and the impugned order is set aside. The learned A.M.A.C.T. is directed to order for release of the amount in fixed deposit of the petitioners.
5. Accordingly, this petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge