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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 445 of 2021

1. Smt. Neelu Devi, W/o. Late Bharat Ram, aged about 54 years,
2. Raju Kumar, S/o. Late Bharat Ram, aged about 28 years,
3. Rajesh Kumar, S/o. Late Bharat Ram, aged about 27 years,
4. Sujal Kumar, S/o. Late Bharat Ram, aged about 8 years,

Petitioner No. 4 is minor : through natural guardian mother Smt. Neelu Devi, W/o. Bharat Ram, Caste of Kahar, R/o. Village - Parihara, Tahsil and P.S.- Garhwa, Distt.- Garhwa (Jharkhand) Claimants No. 2 Banshi Ram and Claimant No. 6 Rambigan Ram has died therefor they not made party.

---- Petitioners

Versus

1. Mahendra Singh, S/o. Mukhdev Singh, aged about 31 years, R/o. Louvavar, P.S.- Tandawa, Distt.- Oranabad (Bihar).
2. Proprietor M/s/ Tanushri Logistic Pvt. Ltd., Transporter Building Office Room No. 15 Shri Raipur Cement Plant Kapradih P.S. and Tahsil-Simga, Distt- Baloudabazar (Chhattisgarh)
3. United India Insurance Company Ltd. Through Branch Manager United India Insurance Company Ltd. 1st Floor Shri Digember Jain Dharamshala Building M.I. Road Jaipur, Distt.- Jaipur (Rajsthan) Through Branch Manager United India Insurance Company Ltd. Bhrahm Road Near Kumkum Hotel Ambikapur, Distt.- Surguja (Chhattisgarh)

---- Respondents

For Petitioners : Mr. A.N. Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/09/2021

1. This petition has been brought being aggrieved by the order dated 11.02.2021, passed by the learned Motor Accidents Claims Tribunal, Ramanujganj, place Balrampur.
2. It is submitted that Banshiram and Ram Bigan Ram were claimants in M.A.C.T. Case No. 38 of 2016 along with other claimants. All the claimants were granted compensation by award dated 23.03.2019. Respondent No.3, the insurance company has deposited amount of

compensation in the Court. In the meanwhile, claimants Banshiram and Ram Bigan Ram both have expired, therefore, the application was moved, before the learned Motor Accidents Claims Tribunal to disburse the whole amount of compensation in favour of surviving claimants. By the impugned order, the amount in share of the deceased claimants namely Banshiram and Ram Bigan Ram has been withheld.

3. It is submitted that rest of the claimants are the legal representatives of the deceased Banshiram and Ram Bigan Ram as Banshiram happens to be the son of the deceased Bharat Ram, on account of whose death, the claim case was filed and Rambigan Ram was the father of the deceased Bharat Ram. Therefore, there is no requirement of any certification regarding rest of the claimants being legal representatives of the deceased Banshiram and Ram Bigan Ram. Hence, appropriate order be passed.
4. Considered on the submissions. This petition is disposed off at motion stage. The learned M.A.C.T., Balrampur – Ramanunjanj is directed to make an enquiry with respect to the status of the remaining claimants regarding their being legal representatives of the deceased Banshiram and Ram Bigan Ram and subsequent to this passed order in accordance with the law considering the disbursement of the amount of the deceased claimants.

Sd/-
(Rajendra Chandra Singh Samant)
Judge