

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.508 of 2021

1. Manglu Kashyap S/o Sai Kashyap Aged About 48 Years
2. Smt. Munni Kashyap W/o Shri Manglu Kashyap Aged About 33 Years
(Both are r/o Village Bade Karli Thana And Tahsil Geedam, District Dantewada Chhattisgarh)

---- Petitioners

Versus

1. Hariprashad Dewangan S/o Shri Ram Pyare Dewangan Aged About 28 Years R/o Village Parni Post Mainpur Thana Doodhi District Sonbhadra U.P. Present Add. Ring Road No. 04 Kirandul Thana Kirandul Tahsil Bacheli, District South Bastar Dantewada C.G. (Driver Of The Vehicle)
2. Manoj Kumar Gupta S/o Arun Kumar Gupta Aged About 32 Years R/o Old Type 3/36 Near Ambedkar Park Kirandul Thana Kirandul Tahsil Bacheli, District South Bastar Dantewada Chhattisgarh. (Owner Of The Vehicle)
3. The Oriental Insurance Co. Ltd. Branch Office M/s Laxman Evenue Medical College Road Jagdalpur, District Baster Chhattisgarh. (Insurer Of The Vehicle)

---- Respondents

For Petitioners

– Mr. Vikash A. Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2021

Heard.

1. This petition has been brought being aggrieved by the order dated 22.07.2021 by which the application filed by the petitioner/claimant for premature release of the amount in fixed deposit, has been dismissed.

2. It is submitted by learned counsel for petitioners that the petitioners are claimant in the Miscellaneous Claim Case No.88 of 2017, in which award of compensation has been passed by the Lok Adalat on 08.12.2018. According to the orders of the Lok Adalat, a part of compensation amount is deposited in the fixed deposit account of the bank. The applicant filed an application praying for premature withdrawal of the amount in fixed deposit on the ground that they have necessity of funds for reconstruction of their house. The learned Tribunal has not considered on the bonafide need of the petitioners and dismissed the application.
3. Considered on the submissions, an inquiry has taken place before the passing of the impugned order. However, the petitioners seek opportunity to file additional evidence in support of their claim. Therefore, this petition is disposed off at the motion stage. The impugned order is set aside and the application for premature withdrawal of the amount in fixed deposit filed by the petitioner is restored. The learned Tribunal is directed to grant an opportunity to petitioners to file additional evidence in support of their claim and then dispose off the application within a period of one month in accordance with law.
4. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge