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IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

M.C.C. No. 1203 /2013

Single Bench

(Arising out of Miscellaneous Appeal No. 994/2003)

APPELLANTS

- : 1) Smt Sohagi W/o Late Ramawtar
aged about 61 years,
2) Ramkripal Sahu S/o Late
Ramawtar Aged about 46 years,
3) Shiv Kumar Sahu S/o Late
Ramawtar, aged about 46 years,

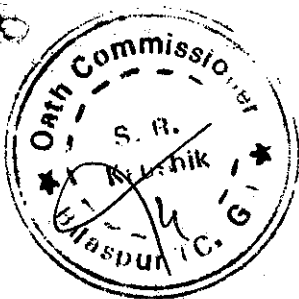
No.3 & 4 of natural guardian
mother Smt Meera bai Wd/o Late
Shiv Kumar Sahu

All the residence Village Odagi
Thana and Tah Baikundur
District Korea (C.G.)

VERSUS

RESPONDENTS

1. Heeralal Rajware S/o Bairatram
Rajware, aged about 25 year,
Dhaura Tikara thana and Tah
baikundpur, District Korla (C.G.)
(Driver of Jeep No. C.G.
16A/0053)
2. Rajesh Kumar Shivhare S/o
Chandrika Prasad Shivhare
Baikundpur, Thana & Tah
Baikundpur District Korla (C.G.)
(Owner of Jeep No. C.G.
16A/0053)
3. United India Insurance Company
Branch near Ram Mandir,
Ambikapur Distt Sarguja (C.G.)
(Insurer of Jeep No. C.G.
16A/0053)



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APPLICATION FOR MODIFICATION

**HIGH COURT OF CHHATTISGARH AT BILASPUR****M.C.C.No.1203 of 2013****Petitioners**

1. Smt.Sohagi
2. Ramkripal
3. Shiv Kumar Sahu

Versus**Respondents**

1. Heeralal Rajware.
 2. Rajesh Kumar Shivhare
 3. United India Insurance Company
- (Application for modification)

Mr.G.P.Kurre, counsel for the petitioners.

(SB: HON'BLE MR. T.P. SHARMA, J.)

ORDER
(Passed on 1.1.2014)

1. By this application the petitioners have prayed for modification of the order dated 30.8.2013 passed in M.A.No.994 of 2003, whereby award dated 2.9.2003 passed by the Additional Motor Accident Claims Tribunal, Baikunthpur, in Motor Accident Case No.89/2002 has been modified and enhanced.
2. I have perused I.A.No.1 for amendment in the cause title.
3. Learned counsel for the petitioners submits that during pendency of the appeal petitioners No.1 and 3 died, but on account of non-availability of information their legal representatives have not impleaded as a party. Learned counsel further submits that petitioner No.3 died leaving behind four legal representatives namely Smt.Meera Bai, Pradeep Kumar Sahu, Pankaj Kumar Sahu and Ku.Arta, they are also legal representatives of deceased petitioner No.1 including other son petitioner No.2, therefore, order may be modified to that extent.
4. Although order passed for or against dead person is a nullity, but considering the modification and enhancement of the award and



death of two persons during pendency of the appeal, in the interest of justice, M.C.C. stands disposed of with a direction that in place of petitioners No.1 and 3 i.e. appellants No.1 and 3 in the order dated 30.8.2013 passed in M.A.No.994 of 2003, petitioner No.2 namely Ramkripal Sahu and legal representatives of petitioner No.3 namely Smt.Meera Bai, Pradeep Kumar Sahu, Pankaj Kumar Sahu and Ku.Arati shall be read as appellants party. Compensation dues shall be given to the aforesaid appellants i.e. legal representatives of petitioner No.3 and petitioner No.2 in place of appellant No.1. No order as to costs.

Certified copy as per rules.

Sd/-
T. P. Sharma
Judge

BR