

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No. 722 of 2015

1. Smt. Shikha Kumar, Wd/o Late Arial I. Kumar, Aged about 40 years, R/o L.I.C. 606, Sector-4, Housing Board Colony, Saddu, Raipur, Civil and Revenue District, Raipur (Chhattisgarh)

---- Appellant

Versus

1. Shubham Agrawal, S/o. Shankar Lal Agrawal, Aged about 19 years, R/o Darri Road, Ram Sagarpara, P.S. Kotwali, Korba, Tahsil & District Korba Chhattisgarh
2. Shankar Lal Agrawal, S/o. Late Khem Chand Goyal, R/o Balaji Gas, T.P. Nagar Korba, Tahsil & District Korba Chhattisgarh
3. United India Insurance Company, Through Branch Manager, Office-R.B. Traders, First Floor, Stadium Road, T.P. Nagar, Korba, Tahsil & District Korba, Chhattisgarh

---- Respondents

For Appellant : Mr. J.K. Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/07/2015

1. Challenge in this appeal is to the order dated 27.11.2014, passed in Claim Case No.341/2014, by the Principal Motor Accident Claims Tribunal, Raipur, District – Raipur (C.G.), whereby the claim petition filed by the appellant has been dismissed.
2. Perusal of the order would reflect that a claim petition was preferred by the wife, the appellant herein for the death of one Arial I. Kumar, being the wife, before the Raipur Court.

3. After notice, an application under Order 7 Rule 11 of C.P.C. was filed by the non-applicant No.3, the insurance company. It was stated that for the same accident, a claim petition was preferred before the Claims Tribunal, Korba bearing No.123/2013 named Irvin Inesh Kumar & Ors. Vs. Subham Agrawal & Ors, wherein the appellant appeared as non-applicant No.4 and participated in the proceeding. The proceeding before the Additional Motor Accidents Claims Tribunal (FTC), Korba bearing No.123/2013 was decided on merits on 25.09.2014. Importantly in the said proceeding, the appellant, wife was arrayed as respondent No.4 and compensation was also directed to be paid this fact is undisputed. The petition which was filed before Claims Tribunal, Korba was decided on 25.09.2014 and for the same accident, another application was preferred by the appellant/claimant before the Claims Tribunal, Raipur, which was dismissed.
4. The appeal having been against such rejection, it is observed that for the same accident there can not be different proceeding by different dependent or legal heirs time and again. Once the claim has been decided, wherein the appellant is a party, the appellant if is aggrieved may challenge the finding of such claim petition before the forum available to her.
5. With such liberty, the appeal stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge