

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MAC No. 317 of 2014**

Smt.Bispatia Bai, S/o. Late Shri Manbodh, Aged About 45 Years, R/o. Village & Post- Fatehpur, P.S. Jainagar, Tah. Ambikapur, Distt. Surguja C.G.

**----Appellant****Versus**

1. Branch Manager, The New India Insurance Company Limited, Branch Office-Transport Nagar, Korba, Distt. Korba, C.G.
2. Surat Singh, S/o. Saroj Ram Singh, Through- Iqbal Singh (In front of the Church), Kedarpur, Ambikapur, P.S. City Kotwali, Tah. Ambikapur, Distt. Surguja C.G.
3. Kalwant Singh, S/o. Gurubaksh Singh, R/o. Pratappur Naka, Post & Tah. Ambikapur, P.S. Gandhi Nagar, Distt. Surguja C.G.

**---- Respondents**

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| For Appellant       | : | Mr. Surfaraj Khan, Advocate |
| For Respondent No.1 | : | Mr. Raj Awasthi, Advocate   |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****17/09/2015**

1. This is an appeal against the order dated 04.02.2014 passed in Claim Case No.110/2013 by the learned Additional Motor Accident Claims Tribunal (F.T.C.) Ambikapur, District Surguja, wherein the application under Section 140 of the Motor Vehicle Act has been dismissed.
2. Perusal of the order shows that the Tribunal has almost travel in the merits of the case without adhering the spirit of Section 140 of the Motor Vehicle Act which emanates on the principles of no fault liability. This fact is not in dispute that the death has occurred due to the accident, therefore, necessarily the grounds on which the application under Section 140 of the Motor Vehicle Act has been dismissed touching upon the merits cannot be appreciated.
3. On the submission of the parties, without any observation on merit, in order to sub-serve the substantial justice, in the opinion of this Court, going into the

merits of the case, at this stage, would lead to delay of the main claim case. Consequently, in the opinion of this Court, ends of justice would be sub-serve if the entire case is remitted back to the Court below with the observation to decide the case on merits within a further period of three months.

4. According, the case is remitted back to the Court below with a direction to decide the same on merits within a period of three months from the date of receipt of the record. It is further directed that the observation made by the Court below in its order dated 04.02.2014 whereby certain findings have been recorded shall not be a part of consideration for deciding the case on merit.
5. The record of the Court below be returned forthwith.

Sd/-  
**(Goutam Bhaduri)**  
JUDGE

Ashok