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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 347 of 2014**

Himanshu Bani S/o Samendra Bani Aged About 10 years, Natural Guardian
Shri Samendra Bani S/o Nathu Ram Bani, Age 38 Years, Residence of
Charpara, Kohdiya, Tahsil & District Korba (C.G.)

---- **Petitioner****Versus**

1. Kunj Ram Kashyap, S/o Lakha Ram Kashyap, aged About 36 Years,
R/o Rajkamma, P.S. & Tahsil Pali, Distt Korba (C.G.) (Owner and Driver
of offending vehicle)
2. I.C.I.C.I. Lombard General Insurance Company Limited, Through
General Manager, Ial Ganga Shoping Mall, Unit No. 304-306, Third
Floor, G.E.Road, Raipur, District-Raipur, (C.G.)

---- **Respondents****And****WP227 No. 348 Of 2014**

Mukesh Kumar, S/o Dori Lal Kewat, aged About 14 years, Natural Guardian
Shri Dori Lal Kewat, S/o Shiv Prasad, Age 30 Years, R/o Charpara,
Kohdiya, Tahsil & District-Korba (C.G.)

---- **Petitioner****Vs**

1. Kunj Ram Kashyap S/o Lakha Ram Kashyap Aged About 36 years, R/o
Rajkamma, P.S. & Tahsil Pali, District Korba (C.G.) (Owner & Driver of
Offending Vehicle)
2. I.C.I.C.I. Lombard General Insurance Company Limited, Through
General Manager, Ial Ganga Shoping Mall, Unit No. 304-306, Third
Floor, G.E.Road, Raipur, District Raipur (C.G.)

---- **Respondents**

For Petitioners	:	Vikash Pandey, Advocate.
For Respondent No.1	:	Shri A.K. Rajwade, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By**10/03/2015**

1. Both the writ petitions under Article 227 of the Constitution of India arise out of two claim petitions, which in turn arose from one accident.
2. In the both the cases, Claims Tribunal (for short 'the Tribunal') has refused to restore the claim petitions, which were dismissed for want of prosecution.
3. After hearing learned counsel for the parties and on perusal of the impugned orders, it would appear that the claimants were not present before the Court on the given date of hearing, therefore, the Tribunal dismissed the same and in the restoration application the Tribunal did not find any good ground for restoration.
4. In the opinion of this Court, while trying the claim petition, the Tribunal should not be rigid and pedantic and efforts shall be made by the Tribunal to decide the claim petition on merits rather than dismiss the same on technical grounds. It is not the case where the claim petition was pending for years together and the claimants have persistently defaulted in making appearance.
5. For the foregoing, the impugned orders are set aside and both the claim petitions are restored to their original number, however, it is directed that the Tribunal shall decide the claim petitions at the earliest, preferably within a period of six months from the first date of hearing fixed hereinafter.

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