

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 492 of 2014**

- Lalaram Dhruw S/o Shivram Dhruw, aged-about 15 years (minor) through his father Shivram Dhruw S/o Ghondul, aged-about 40 years, caste-Gond, R/o Semradi, Magarlod, Distt. Dhamtari [CG]

---- Petitioner**Versus**

1. Dinesh Sahu, S/o Anandram Sahu, Aged-about 28 years, R/o Charmudia, Tahsil & Thana-Kurud, Distt. Dhamtari [C.G.]
2. Kishan Lal Sahu S/o Jals Sahu, aged-about 26 years, occupation-agriculturist, R/o Bhalukona, Tah. & Thana-Kurud, Distt. Dhamtari [C.G.]
3. Insurance company National Insurance Company Limited, Krishna Complex first floor, G.E. Road, Raipur, Distt.-Raipur [C.G.]

---- Respondents

For Petitioner : Shri Ghanshyam Patel, Advocate.
For Respondent No.3: Shri SN Nande, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/03/2015**

1. The petitioner has assailed the legality and validity of the impugned order passed by the Motor Accident Claims Tribunal, Dhamtari (henceforth 'the Tribunal') dismissing his application under Order 17 Rule 1 CPC and closing his right to lead evidence.
2. Reading of the averments made in the writ petition would indicate that the petitioner has preferred Claim Application under Section 166 read with Section 140 of the Motor Vehicles Act, 1988 on the ground that in a motor

accident he was dashed by the motor vehicle belonging to/driven by respondents No.1 and 2 causing grievous injuries, therefore, he is entitled to compensation. While the said claim application was pending adjudication, the petitioner moved an application for adjournment on the ground that senior counsel has gone to Raipur in connection with some Court work. Prayer was refused by the Tribunal on the ground that more than 3 adjournments have already been allowed in favour of the petitioner whereas under the amended Code of Civil Procedure more than 3 opportunities cannot be granted, therefore, his evidence deserves to be closed.

3. In the opinion of this Court, the Tribunal has adopted a hyper-technical approach in deciding the claim petition. An enquiry before the Claims Tribunal is not governed under the Code of Civil Procedure. In a claim petition, the Tribunal is enjoined to take realistic approach to provide adequate opportunity to the claimants to lead evidence. The trial Court has committed grave illegality by refusing to grant opportunity to the petitioner to lead evidence.
4. Accordingly, the impugned order is set aside. The trial Court is directed to fix one date for allowing the petitioner/claimant to lead his entire evidence. The Claims Tribunal is also directed to complete the trial within a period of 6 months from the date of presentation of certified copy of this order.
5. The writ petition is accordingly allowed.

J U D G E