

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 66 of 2015

1. Mahesh Mahobiya @ Munna S/o Shri Bhagirathi Mohobiya, aged about 45 years, R/o Mohalla - Rahul Nagar, Lakholi, Ward No. 29, Police Station City Kotwali, Tahsil & District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Aatma Ram Sahu S/o Late Shri Sadhurar Sahu, aged about 48 years, R/o Village : Kanharपुरi, Ward No. 28, Police Station - City Kotwali, Shahar, Tahsil & District- Rajnandgaon, Chhattisgarh

---- Respondent

For Petitioner – None.

For Respondent – None, though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11/09/2015

1. The instant civil revision has been preferred against the order dated 11-05-2015 passed by the Additional Motor Accident Claims Tribunal (FTC), Rajnandgaon, C.G. wherein the learned trial Court dismissed the application filed under Order 7 Rule 11 of the CPC whereby it is prayed the vehicle in question does not come under the category of motor vehicle or vehicle. The learned Court below after appreciating the definition as provided in the Motor Vehicles Act, 1988 Section 2(28) held that the vehicle in question battery charged e-rickshaw comes under the category of motor vehicle, hence, the application under Order 7 Rule 11 of the CPC is not maintainable and thereby dismissed the application.
2. By filing the instant civil revision it is prayed that impugned order dated 11-05-2015 be set aside and the revision be allowed.

3. The instant civil revision is based on the question of law whether the vehicle in question is a motor vehicle or vehicle or not?
4. On due consideration, looking to the provisions to Section 2(28) of the Motor Vehicles Act, 1988, it goes to show that no any illegality or impropriety has been committed by the Court below.
5. On due consideration, the instant revision failed to demonstrate any reason for its admission and hearing.
6. Consequently, the instant civil revision is hereby dismissed as not maintainable.
7. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)

Judge