

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 203 of 2015

1. Smt. Ghasnin Bai W/O Late Bagwat Prasad Sahu Aged About 40 years R/O Qtr. No. A/1527, Kaver Vihar, N.T.P.C. Jamnipali, P.O. Darri, Tahsil & Distt. Korba (Chhattisgarh)
2. Basant Kumar Sahu S/O Late Bhagwat Prasad Sahu Aged About 20 Years R/O Qtr. No. A/1527, Kaver Vihar, N.T.P.C. Jamnipali, P.O. Darri, Tahsil & Distt. Korba (Chhattisgarh)
3. Ku. Rashmi Sahu D/O Late Bagwat Prasad Sahu Aged About 18 Years R/O Qtr. No. A/1527, Kaver Vihar, N.T.P.C. Jamnipali, P.O. Darri, Tahsil & Distt. Korba (Chhattisgarh)
4. Raj Kumar S/O Late Bagwat Prasad Sahu Aged About 14 Years Through Natural Guardian, Mother Appellant No. 1 (Smt. Ghasnin Bai) R/O Qtr. No. A/1527, Kaver Vihar, N.T.P.C. Jamnipali, P.O. Darri, Tahsil & Distt. Korba (Chhattisgarh)

---- Petitioners

Versus

1. The New India Insurance Company Limited And Anr. S/o Tahsil & Distt. Bilaspur (Chhattisgarh)
2. Dr. T.S. Chandel R/O Deewan Auto Mobiles, Station Road Champa, Tahsil & Distt. Janjgir- Champa (Chhattisgarh)

---- Respondents

For Petitioners:

Shri Sanjay Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

20/03/2015

The instant petition is filed under Article 227 of Constitution of India challenging the order dated 15.11.15 passed by the Additional Motor Accidents Claims Tribunal, Korba, Distt. Korba (henceforth 'the Tribunal') whereby the Tribunal has rejected the application moved by the claimants for calling the records pertaining to the criminal cases that were

registered in an accident that took place on 30.12.1993 wherein the husband of petitioner No.1 and the father of the claimants No.2 to 4 had died.

2. A perusal of the order dated 15.1.15 by itself would show that the petitioners have already made an application before the court below for a direction to the authorities from producing the case diary to Crime No.907/93 which was pertaining to the accident involving the death of the deceased.

3. In the opinion of this Court, the order passed by the court below is not one which could be held to be in excess of his jurisdiction or without proper consideration of material facts. It is not the requirement of law that the court below should summon for the records which are required by the claimants to prove their case. It the duty of the claimants to establish their own case and there are many other ways by which the petitioners could have obtained the records.

4. A perusal of the record would show that the order passed by the court below is not the one which can be challenged by invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India as *prima facie* there appears to be no jurisdictional error committed by the court below and the scope of interference under Article 227 being limited, the instant petition is dismissed at this juncture. However, the petitioners would be at liberty to raise all these grounds at appropriate stage in appropriate proceedings.

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