

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Appeal No.474 of 2001

1. Jaglal son of Hooblal Rajwar, aged about 30 years, R/o Village Dumariya, P.S. and Tahsil Surajpur, District Surguja, Chhattisgarh
2. Shivnarayan, son of Ramkishun, age 28 years, R/o Village Pasla, P.S. and Tahsil Surajpur, District Surguja, Chhattisgarh

---Appellants

versus

1. Natsu @ Arun Kumar, son of Roshanlal, aged about 32 years, R/o Village Surajpur, P.S. and Tahsil Surajpur, District Surguja, Chhattisgarh
2. Narayan Agrawal, son of Roshanlal, R/o Village Surajpur, P.S. and Tahsil Surajpur, District Surguja, Chhattisgarh
3. The Oriental Insurance Company Limited, through Branch Office Sadar Road, Near State Bank of India, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Appellants	:	None
For Respondents	:	None

Hon'ble Shri Deepak Gupta, Chief Justice

Order on Board

17/6/2016

1. This appeal has been called for hearing today for the second time. None appeared for the Appellants.
2. Since this appeal is of the year 2001 and relates to an accident which took place on 14.6.1995, the appeal is being disposed of on merits today itself.
3. The claimants filed the claim petition alleging that they had suffered some injuries in the accident took place on 14.6.1995 and, therefore, claimed compensation. The stand of the insurance company before the Claims Tribunal was that the claimants had earlier filed two claim petitions being Claim Petition No.43 of 1995 and Claim Petition No.9 of 1997, which had been dismissed for default/non-prosecution and without getting the earlier orders set aside, the fresh claim petition was not maintainable. As already observed above, none has appeared for the claimants/Appellants.

4. It is proved on record that the claimants had earlier first filed Claim Petition No.43 of 1995 claiming compensation for this very accident. Because of steps being not taken by the claimants, the claim petition was rejected in the year 1997. Thereafter, instead of getting the said order recalled, the claimants filed another claim petition being Claim Petition No.9 of 1997, which was also dismissed on 21.9.1999. The Claimants/Appellants filed the instant claim petition being Claim Petition No.146 of 2001 on 7.7.2000.

5. No claimant can be allowed to file claim petitions one after the other with regard to the same accident. It may be true that the earlier two claim petitions were not decided on merits. However, the remedy available to the Appellants was to either approach the Claims Tribunal itself for recalling its orders dismissing their claim petitions or to file an appeal before the High Court challenging the order of the Claims Tribunal. Once an order dismissing a claim petition has become final, that order cannot be set aside in co-lateral proceeding by filing another claim petition. Consequent and subsequent claim petition cannot be filed. If this is permitted, it will lead to anarchy where one can be allowed to file claim petitions one after the other for the same accident and this would encourage forum hunting. The Learned Claims Tribunal was fully justified in dismissing the third claim petition on the ground that since the order dismissing the earlier two claim petitions for non-prosecution had not been set aside, no fresh claim petition could be filed.

6. I, therefore, find no merit in the instant appeal. It is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE