

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 255 of 2016**

Bahal Singh S/o Generail Singh, Aged About 55 Years R/o Ring Road
No. 2, Andhra Road Carrier, Telibandha Raipur, Tah. And District
Raipur (Chhattisgarh)

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

1. Smt. Mira Bai W/o Lt. Milan Ram Sahu, Aged About 35 Years R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
2. Ku. Roshni D/o Lt. Milan Ram Sahu, Aged About 14 Years Minor Through Natural Guardian Mother Smt. Mira Bai W/o Lt. Milan Ram Sahu, R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
3. Ku. Tiku D/o Lt. Milan Ram Sahu, Aged About 12 Years Minor Through Natural Guardian Mother Smt. Mira Bai W/o Lt. Milan Ram Sahu, R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
4. Dhaneshwer Sahu S/o Lt. Milan Ram Sahu, Aged About 10 Years Minor Through Natural Guardian Mother Smt. Mira Bai W/o Lt. Milan Ram Sahu, R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
5. Smt. Savitri Bai W/o Sajanram Sahu Aged About 60 Years R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
6. Sajanram Sahu S/o Latelram Sahu, Aged About 65 Years R/o Vill. Joratarai, P.S. Lalbag, Tah. Rajnandgaon, District Rajnandgaon (Chhattisgarh)
7. Mota Singh S/o Jogendra Singh, Aged About 50 Years R/o And Post Office Kopargaon, District Ahmadnagar (Maharashtra)
8. The New India Insurance Co. Ltd. Division Office First Floor Madina Building Jail Road Raipur (Chhattisgarh)

---- **Respondents**

For the Petitioner	:	Shri Rakesh Thakur, Advocate.
For the Respondents	:	Not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****13/04/2016**

1. Heard on admission.

2. Facts in brief required for adjudication of the instant W.P. (227) are that the Motor Accident Claims Tribunal, Rajnandgaon, Chhattisgarh (for short 'the MACT') passed an award dated 5.10.2007 in Claim Case No. 36 of 2006 in which learned Tribunal vide para 20 sub-para 4 of the award directed that Respondent No.3 therein shall pay the compensation amount and they are free to recover the said award amount from Respondent No.2 therein. Respondent No.3 has already paid the awarded amount as directed. Thereafter, it had filed an execution case before the MACT to recover the said amount as per order of the Tribunal. Respondent No.2 therein has made an objection that Respondent No.3 is required to file a separate suit and the application is barred by limitation. The Executing Court has rejected the objection and held that no separate suit to recover the amount as paid by the Insurance Company is required.

3. Against the said appreciation, the Petitioner/Owner has approached this Court and prayed that by invoking the jurisdiction under Article 227 of the Constitution of India, the order of the Executing Court dated 6.2.2016 may kindly be quashed and appropriate writ of certiorari be issued for the relief sought.

4. Learned counsel for the Petitioner duly supported the grounds taken in the instant W.P.(227) and on that basis the impugned order dated 6.2.2016 may be quashed.

5. The award has already been passed and the liability has been fixed on Respondents No.1 and 2 therein to pay the entire award amount. The trial Court initially ordered the amount to be paid by Respondent No.3 therein and thereafter granted liberty to recover the said amount from Respondent No.2. As the matter was finally adjudicated, Respondent No.3 therein had followed the direction of the MACT and thereafter, by filing an execution

case prayed that Respondent No.2 therein be directed to repay the compensation amount to Respondent No.3. In the considered view of this Court, no independent suit is required for the said purpose. Accordingly, I do not see any illegality and impropriety in the order passed by the learned MACT dated 6.2.2016. No interference is required and the instant W.P.(227) *sans* substance and is dismissed at the motion stage itself.

6. Registrar (Judicial) is directed to send a copy of the order to the Court below for information and further proceedings as required under the law.
7. The W.P. (227) is dismissed.
8. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge