

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 435 of 2016

1. Navin Kumar Sahu S/o Shri Gore Lal Sahu, Aged About 19 Years
R/o Village Semara, Police Station & Tahsil Nawagarh, Civil &
Revenue District Janjgir Champa Chhattisgarh (Driver Of The
Offending Vehicle Motor Cycle Discover No C.G. 11 BB 7454)
2. Shiv Charan Yadav, S/o Shri Gokul Yadav, aged about 29 years,
R/o Village Semara, Police Station & Tahsil Nawagarh, Civil &
Revenue District Janjgir Champa Chhattisgarh (Owner Of The
Offending Vehicle Motor Cycle Discover No C.G. 11 BB 7454

---- Petitioner

Versus

1. Smt. Dulaurin Bai W/o Late Shri Manharan Kashyap, Aged About
33 Years
2. Ajay S/o Late Shri Manharan Kashyap, Aged About 9 Years
3. Vijay S/o Late Shri Manharan Kashyap, Aged About 5 Years

(Respondents 2 & 3 are Minor Through Their Legal Guardian Smt.
Dulaurin Bai,

All are R/o Shiv Nagar Ramgara, Police Station Balko Nagar, Tahsil
Korba, Civil & Revenue District Korba Chhattigarh

4. The Insurance Company, Unknown (Insurar Of The Offending
Vehicle Motor Cycle Discover No C.G. 11 BB 7454)

---- Respondent

And

WP227 No. 436 Of 2016

1. Navin Kumar Sahu S/o Shri Gore Lal Sahu, Aged About 19 Years
R/o Village Semara, Police Station & Tahsil Nawagarh, Civil &
Revenue District Janjgir Champa Chhattisgarh (Driver Of The
Offending Vehicle Motor Cycle Discover No C.G. 11 BB 7454)
2. Shiv Charan Yadav, S/o Shri Gokul Yadav, Aged About 29 Years R/o
Village Semara, Police Station & Tahsil Nawagarh, Civil & Revenue
District Janjgir Champa Chhattisgarh (Owner Of The Offending
Vehicle Motor Cycle Discover No C.G. 11 BB 7454

---- Petitioner

Vs

1. Samaru Kenwat S/o Shri Sukalu Kenwat, Aged About 46 Years
2. Smt. Amrika Bai W/o Shri Samaru Kenwat, Aged About 44 Years
Both are R/o Shiv Nagar, Ramgara, Police Station Balko Nagar,
Tahsil Korba, Civil & Revenue District Korba Chhattisgarh
3. The Insurance Company Unknown (Insurer Of The Offending
Vehicle Motor Cycle Discover No C.G. 11 B.B. 7454)

---- Respondent

For Petitioners

Mr. Paras Mani Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/7/2016

1. Heard.
2. The Motor Accident Claims Tribunal, Korba has rejected the petitioners' applications under Order 7 Rule 11 of CPC, by which, the petitioners had raised objection regarding maintainability of the proceedings at Korba.
3. Objection to the jurisdiction of the MACT, Korba was raised on the ground that the accident took place at village Semara, District Jangir-Champa and the parties are also resident of the same village, therefore, the claim petitions should have been preferred at Jangir-Champa and not at Korba.
4. A reading of the claim petitions would reveal that the claimants have stated their place of residence at village Rumgara, Police Station Balko Nagar, Tehsil and District Korba in the cause title as well as para 24 of the claim petitions.

5. An objection to the jurisdiction of the Court is to be decided with reference to the pleadings made in the plaint and not by looking at any other documents. Even otherwise, Korba and Janjgir-Champa are adjoining Districts.
6. For the above stated reasons, this Court does not find any substance in the writ petitions. They deserve to be and are hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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