

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 553 of 2016**

- Reliance General Insurance Company Limited Through Branch Manager, 2nd Floor Ravi Bhawan, Jai Stambh Chowk Raipur At Present 5th Floor, National Corporate Park G.E. Road, P.S. Saraswati Nagar, Raipur, Chhattisgarh Insurer Of Vehicle No W.B. 23/6676

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

1. Manbahadur S/o Late Lallan Bahadur, Aged About 55 Years R/o 21/4, Chandi Tala Main Road, Kolkata W.B. At Present Santoshi Nagar, Near Bajrang Mandir, P.S. Tikrapara Raipur Chhattisgarh Claimant,
2. Rajiv Gardiya S/o Pramod Kumar Gardiya, Aged About 28 Years Staline Roadways, 4, Clive Raw 2nd Floor, Room No 202, Mukti Chamber Kolkata 1 W.B. Owner Of Vehicle No W.B. 23/6676)

---- **Respondent****And****WP227 No. 555 Of 2016**

- Reliance General Insurance Company Limited Through Branch Manager, 2nd Floor Ravi Bhawan, Jai Stambh Chowk, Raipur At Present 5th Floor, National Corporate Park G.E. Road, P.S. Saraswati Nagar, Raipur Chhattisgarh Insurer Of Vehicle No WB 23/6676

---- **Petitioner****Vs**

1. Smt. Laxmi Devi W/o Late Kumar Lama, Aged About 25 Years
2. Kumari Soru D/o Late Kumar Lama, Aged About 6 Years
3. Kumari Salini, D/o Late Kumar Lama, Aged About 3 Years
4. Manbahadur, S/o Late Lallan Bahadur, Aged About 55 Years

R/o 21/4, Chandi Tala Main Road, Kolkata, W.B. At Present Santoshi Nagar, Near Bajrang Mandir, P.S. Tikrapara, Raipur Chhattisgarh. Respondent No.2 and 3 are minors and representing through their mother Res. No.1 Smt. Laxmi Devi (Claimant)

5. Rajiv Gardiya S/o Pramod Kumar Gardiya, Aged About 28 Years Staline Roadways, 4, Clive Raw 2nd Floor, Room No 202, Mukti Chamber Kolkata 1 W.B. Owner Of Vehicle No W.B. 23/6676)

---- Respondent

For Petitioners : Shri Siddharth Rathod, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/09/2016

1. In these two petitions under Article 227 of the Constitution of India, the petitioner insurance company is challenging the impugned order passed by the Labour Court, whereby its right to lead evidence has been closed.
2. It is argued that the license issuing authority located at 24, South Paragana, Alipore, Kolkata (W.B.) was served by the petitioner through Dasti notice yet the witness did not remain present, therefore, instead of taking steps to secure presence of the witness, the labour Court directed the petitioner to produce the officer of the petitioner company, who has served the Dasti notice and on petitioner's failure, right to lead evidence has been closed. It is also argued that the driver of the offending vehicle was not having a valid driving license, therefore, non-examination of the license issuing authority would cause irreparable loss to the petitioner.
3. Having considered the entire facts and circumstances of the case particularly for the fact that the petitioner has made efforts to examine the license issuing authority but the said authority failed to attend the Court despite service of Dasti notice, ends of justice would be served if the writ petitions are disposed of with direction that if the petitioner pays cost of Rs.3000/- to the claimant of each of the claim petition within a period of 15 days from today, the trial Court shall grant one opportunity to the petitioner to produce the concerned officer/employee of the Regional Transport

Officer/license issuing authority of 24, South Paragana, Alipore, Kolkata (W.B.) for his examination in respect of the driving license of driver of the offending vehicle.

4. The labour Court is also directed to dispose of the claim petition at the earliest preferably within a period of six months from the date of submission of certified copy of this order.

Sd/-

Judge
Prashant Kumar Mishra

Ashu