

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1445 of 2016

Sushil Ratre S/o Shri Biselal Ratre, Aged About 20 Years R/o Village Barbaspur, Police Station- Mahasamund, District Mahasamund, Chhattisgarh(Driver And Owner Of Motor Cycle No. C.G.04/ C X 1118)

---- Appellant

Versus

1. Janak Singh Thakur S/o Shri Jagannath Singh, Aged About 45 Years R/o Rajkumar College Campus, G.E.Road, Raipur, Chhattisgarh(Claimant)
2. Iffco Tokio General Insurance Company Limited, Through The Branch Manager, Laalganga Shopping Moll, Raipur, Chhattisgarh(Insurer Of Motor Cycle No. C.G.04/ C X 1118)

---- Respondents

For Appellant : Shri M.K. Bhaduri, Advocate
Respondents not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

21/11/2016

1. The instant MAC has been preferred within its limitation.
2. This is the owner's appeal.
3. After perusal of para 34 of the impugned award dated 13.7.2016, it appears that the Claims Tribunal has fastened the liability over the appellant and respondent 2 jointly and severally.
4. Learned counsel for the appellant would submit that after verification, till today no appeal has been filed on behalf of respondent 2 and he merely filed the instant MAC on safer side in case any exigency arises.

5. On due consideration, as the Claims Tribunal held jointly and severally responsible to the appellant and respondent 2, with this, the appeal filed by the present appellant is prematured as he is the owner of the offending vehicle.

6. With the above facts, the instant MAC filed by the appellant is disposed of without any appreciation on its merits reserving the liberty of appeal to challenge any execution against him without it being satisfied by respondent 2 in light of para 24 of the award.

7. The MAC is disposed of accordingly.

8. Copy of this order be sent to the concerned Tribunal by the Registry through usual and fax mode.

Sd/

(Chandra Bhushan Bajpai)
Judge