

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.432 of 2016

Suresh Kesharwani, S/o Surajdeen Kesharwani, aged about 42 years, R/o Station Road, Tilda, Ward No.7, Police Station Nevara, Civil and Revenue District Raipur (C.G.)

(Respondent)
---- Petitioner

Versus

1. Smt. Bhuneshwari, Wd/o Late Shiv Kumar Verma, aged about 20 years,
2. Kartik Verma, S/o Late Shiv Kumar Verma, aged about 9 months,
3. Gauthram, S/o Sonsai Verma, aged about 62 years,
4. Smt. Urmila Bai, W/o Gauthram Verma, aged about 55 years,

Respondent No.2 through its natural guardian mother Smt. Bhuneshwari Verma,

All above are R/o Village Jota, Post Office Tadava, Police Station Nevara, Civil and Revenue District Raipur (C.G.)

(Plaintiffs)
---- Respondents

For Petitioner: Mr. Arun Kumar Bajaj, Advocate.
For Respondents No.1 and 2: Mr. Malay Kumar Bhaduri, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/12/2016

1. In an application for compensation filed by the respondents / claimants under the provisions of the Employee's Compensation Act, 1923, the petitioner owner made an application for impleading the Insurance Company as party and that has been rejected by the impugned order against which this writ petition under Article 227 of the Constitution of India has been preferred.

2. According to the petitioner, the vehicle is admittedly insured and in order to adjudicate the dispute of compensation by the claimants workmen, the Insurance Company is not only necessary party but also a proper party. Therefore, the learned Commissioner for Compensation has committed an illegality in rejecting the application for impleading the Insurance Company as a party non-applicant in the application filed for compensation.
3. Accordingly, the impugned order is set aside. The concerned Insurance Company will be impleaded as party non-applicant within 15 days from the date of receipt of a copy of this order before the Commissioner for Compensation and thereafter, the Commissioner shall proceed in accordance with law.
4. The writ petition stands disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge