

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 347 of 2016

- The Oriental Insurance Company Ltd. Through Divisional Manager, Divisional Office No. 3, (191300) R.K. Plaza, Pachpedi Naka, Ring Road No. 1, Raipur Chhattisgarh, Insurer of the Vehicle Truck Bearing Registration No. C.G. 07 Z.C. 0405

---- Petitioner

Versus

1. Smt. Savita Tiwari W/o Hori Lal Tiwari , Aged About 26 Years R/o Sanjay Colony, Baloda Bazar District Baloda Bazar, Chhattisgarh
2. Ramnarayan Verma, @ Vuru Ram Verma, S/o Makhan @ Manrakhan Verma Aged About 38 Years R/o Village Nara, Thana Mandir Hasod, Zilla Raipur Chhattisgarh (Driver Of Truck Bearing Registration No. C.G. 07 Z.C. 0405)
3. Surendra Singh Chhabra, S/o G.S. Chhabra, R/o Chhabra Kiraya Bhandar, Gangh Road, Navapara Rajim Zila Raipur Chhattisgarh (Registered Owner Of Vehicle Truck Bearing Registration No. C.G. 07 Z C 0405)

---- Respondents

For Petitioner

Shri Raj Awasthi, Advocate

Shri Balwant Singh, General Manager,
Oriental Insurance Company

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/10/2016

1. Shri Raj Awasthi, learned counsel for the petitioner appearing along with Shri Balwant Singh, General Manager, Oriental Insurance Company at Head Office Delhi would submit that ordinarily, the petitioner Insurance Company never challenges

the award, which is less than Rs.1 lac unless some law point is involved therein. For the present case, it is explained that the petitioner was compelled to prefer this writ petition despite the award being only for Rs.5,000/-, because in another claim petition arising out of the same accident, the Claims Tribunal has passed an award of Rs.6,94,336/- in Claim Case No.61/2013, against which an appeal is pending before this Court bearing MAC No.594/2016, therefore, if the petitioner fails to challenge the present award, the findings on legal issues may operate against the petitioner in the other appeal.

2. Shri Awasthi, learned counsel would further submit that the petitioner may be permitted to withdraw the writ petition, however, withdrawal may not come in the petitioner's way to argue the legal issues in the pending appeal bearing MAC No.594/2016.
3. The submission made by Shri Awasthi appears to be reasonable, therefore, the petition is dismissed as withdrawn, however, the dismissal would not come in the way of the petitioner company in raising all such legal issues as may be available to it while arguing the MAC No.594/2016.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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