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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.667 of 2017**

1. Smt. Rameshwari Arya W/o Late Ramesh Kumar Arya (R. K. Arya) Aged About 38 Years R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.
2. Ku. Priyanka Arya D/o Late Ramesh Kumar Arya (R K Arya) Aged About 19 Years R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.
3. Ku. Pratibha Arya D/o Late Ramesh Kumar Arya (R K Arya) Aged About 17 Years Minor Represented Though Mother Smt. Rameshwari Arya, Petitioner No. 1 R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.
4. Ku. Bhumika Arya D/o Late Ramesh Kumar Arya (R K Arya) Aged About 11 Years Minor Represented Though Mother Smt. Rameshwari Arya, Petitioner No. 1 R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.
5. Ku. Khushbu Arya D/o Late Ramesh Kumar Arya (R K Arya) Aged About 8 Years Minor Represented Though Mother Smt. Rameshwari Arya, Petitioner No. 1 R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.
6. Smt Sushila Bai W/o Late Shatruhan Singh Arya Aged About 70 Years R/o Near Saleem Saw Mill. Infront Of Hanuman Temple Ward No 40 Basantpur, Rajnandgaon, Post And Police Station Basantpur Rajnandgaon, District Rajnandgaon Chhattisgarh.

---- Petitioners**Versus**

1. Santosh S/o Gayaram Yadav Aged About 30 Years R/o Ward No. 67 Changora Bhatha, Raipur, Post Changorabhatha, Police Station Deen Dayal Upadhyay Nagar Raipur Chhattisgarh.
2. M/s Vindhya wasini Steel Industries, Through Partner Jainarayan Kasar, Address 140 , 150 B , Industrial Area Urla Raipur Post

Office Urla Police Station Urla Tahsil & District Raipur Chhattisgarh.

3. National Insurance Co. Ltd. , Durg, Through Branch Manager, National Insurance Co. Ltd. , Gill Complex Near Gurudwara Station Road Durg Post And Police Station Mohan Nagar Durg Tahsil & District Durg Chhattisgarh.
4. Shivnath Hundai, Through Its Manager G E Road, Tatibandh Raipur Chhattisgarh.
5. Jaika Automobiles Pvt. Ltd. Through Its Manager G E Road, Tatibandh Raipur Chhattisgarh.
6. Anil Kumar Diwan S/o Ajay Diwan R/o House No. 232 , Lakhe Nagar, Trimurti Chowk Raipur Chhattisgarh Presently Address Near Little Angel School Plot No. 485 , Sunder Nagar, Raipur Chhattisgarh.

--- Respondents

For Petitioners : Mr. Sourabh Sharma, Advocate
For State : Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

14/09/2017

(1) Learned counsel for the petitioners would submit that the petitioners' application under Order 7 Rule 14 of CPC for taking document on record and application for summoning the officer of Insurance Company to prove their case have been rejected by the trial Court by its orders dated 23.08.2017 and 06.07.2017. He would further submit that the petitioners/claimants are sufferer and it is very much necessary to place the relevant documents on record and cross-examination of the officer of Insurance Company is necessary for just and proposal disposal of the case and therefore, in the interest of justice, applications may be allowed.

(2) Learned counsel for the State would support the impugned order and oppose the prayer made by learned counsel for the petitioners.

(3) I have heard learned counsel for the parties and perused the impugned order.

(4) Considering the fact that the petitioners are claimants and if documents are not taken on record and said officer is not cross-examined their interest is likely to suffer. Therefore, I deem it appropriate to allow the applications. Accordingly, both the applications under Order 7 Rule 14 of CPC and application for summon the officer of Insurance Company are hereby allowed. If the process fee be paid by the petitioners, the officer of the Insurance Company will be summoned for his cross-examination and such exercise would be done within a period of one month from today. However, the respondents are at liberty to move an application for modification of the order, if they are aggrieved.

(5) With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-