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HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (227) No.553 of 2012

I.C.I.C.I. Lombard General Insurance Co. Ltd., through its legal manager, ICICI General Insurance Co. Ltd. Ganga Shopping Complex, GE Road, Raipur, Chhattisgarh.

-----Appellant

Versus

1. Kanwalu Ram Yadu S/o Shri Ram Lal Yadav, aged about 60 years,
2. Mohan Lal Yadu S/o Shri Kanwalu Ram Yadu, aged about 35 years,
3. Manohar Lal Yadu S/o Kanwalu Ram Yadu, aged about 33 years
4. Sewati Bai D/o Kanwalu Ram Yadu, aged about 31 years.
5. Indra Kumar S/o Kanwalu Ram Yadu, aged about 29 years,
All are R/o Mamta Nagar, gali No. 6, Ward No. 17, Rajnandgaon, Tah. & Distt. Rajnandgaon, C.G.
6. Sohan Lal S/o Gendlal, aged about 27 years, R/o Behind Maanpur College, Tah. And Distt. Rajnandgaon (CG).
7. Uttamchand Jain S/o Late Jethmal Ji Jain, aged about 45 years, R/o Prakash Kirana Store, Tah. & Distt.- Rajnandgaon, C.G.

---- Respondents

For Petitioner	:	Shri Amrito Das and Shri P. Acharya, Advocates.
For Respondents 1 to 5	:	Shri Rakesh Thakur and Shri HP Agrawal, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15/12/2017

1. The present petition has been preferred assailing the order dated 28.01.2009 passed by the Motor Accident Claims Tribunal, Rajnandgaon (in short, the Tribunal) in Execution Claim Case No.50 of 2007 whereby the Tribunal has kept further proceeding both in the execution case as also in the proceeding under Order 9 Rule 13 CPC in abeyance.
2. This court has received a report from the District & Sessions Judge, Rajnandgaon on 14.12.2017 intimating that MJC (Civil) No.38/2008 which was the proceeding under Order 9 Rule 13 preferred by the

insurance company, has been heard and decided on 14.12.2017. A copy of the order dated 14.12.2017 is taken on record. The said order reflects that application under Order 9 Rule 13 filed by the insurance company has since been allowed and it has been ordered for re-hearing of the case and for passing an award afresh.

3. In the light of order dated 14.12.2017 passed by the Tribunal in MJC (Civil) No.38/2008 whereby the application preferred by the petitioner under Order 9 Rule 13 CPC has been allowed, this court is of the opinion that the present petition has now become infructuous as the grievance of the petitioner stands redressed.
4. Accordingly, the petition is dismissed as having become infructuous.

Sd/-
(P. Sam Koshy)
Judge