

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1390 of 2016**

- Rajesh Kumar Sahu S/o Sukhram Sahu, Aged About 43 Years
R/o Village- Donga Kohraud, Police Station- Pamgarh, District-
Janjgir-Champa, Chhattisgarh(Driver Of Maruti Rits
Car No. C.G.-10-F.A.-4531)

---- Appellant**Versus**

1. Rajkumar Sahu S/o Late Narayan Prasad Sahu, Aged About 33
Years R/o Azad Chowk, Nayapara, Balodabazar, Tahsil & Police
Station- Balodabazar, District- Balodabazar-Bhatapara,
Chhattisgarh(Claimant)
2. Vijay Malhotra S/o Dalvinder Singh Malhotra, R/o Village-
Ramgarh, District Janjgir-Champa, Chhattisgarh
(Owner Of Maruti Rits Car No. C.G.-10-F.A.-4531)

---- Respondents

For appellant	: Shri VR Tiwari, Advocate
For respondent No.1	: Shri Hemant Gupta, Advocate
For respondent No.2	: Shri Vivek Tripathi, Advocate on behalf of Shri Varunendra Mishra, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Judgment On Board****24.01.2017**

Learned counsel for the appellant would submit that this is an admitted appeal, the present appellant is driver of the offending vehicle and respondent No.2 is the owner of the offending vehicle, the vehicle was not insured at the relevant point of time and the Tribunal vide its award dated 02.7.2016 directed to execute the award jointly and severally against both the non- applicants. As per the settled law, the Court has to make efforts for satisfaction of the award initially from the owner and thereafter with the

present appellant, hence, as the respondent No.2 has not preferred any appeal against the said award, he may be permitted to withdraw the instant appeal with liberty to raise issue if at all the executing Court issue any warrant of attachment against the present appellant.

2. As prayed, the instant appeal is disposed of as withdrawn reserving aforesaid liberty available under the procedural and limitation laws with an observation that this Court has not appreciated any merits of the case .

3. The instant appeal is disposed of as withdrawn.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE