

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 89 of 2017**

1. Omprakash @ Baila @ Golu S/o Ghasiram Verma, Aged About 20 Years R/o Village Kadar, P. S. Chakarbhata, Tehsil Bilha, Civil & Revenue District Bilaspur (Chhattisgarh), (Driver Of The Offending Vehicle Truck Bearing Registration No. C. G. 10 D 7155)Non Applicant No.1,
2. Bhuvneshwar Dubey S/o Late Hardeo Prasad Dubey, Aged About 32 Years R/o Village Kadar, P. S. Chakarbhata, Tehsil Bilha, Civil & Revenue District Bilaspur (Chhattisgarh),.....Non Applicant No.3. (Authorized person of the offending vehicle Truck bearing Registration No.C.G. 10 D 7155)

---- Petitioners**Versus**

1. Santosh Yadav S/o Late Sakharam Yadav, Aged About 25 Years Caste-Yadav,.....Applicant No. 1.
2. Ashok Yadav S/o Late Sakharam, Aged About 22 Years.....Applicant No. 2.

Both are R/o Village Kadar, P. S. Chakarbhata, Tehsil Bilha, Civil & Revenue District Bilaspur (Chhattisgarh),

3. Manharan Bharti S/o Late Latel Ram Bharti, Aged About 43 Years R/o Village Bodri, P. S. Chakarbhata, Tehsil Bilha, Civil & Revenue District Bilaspur (Chhattisgarh), (Owner Of The Offending Vehicle Truck Bearing Registration No. C. G. 10 D 7155),Non Applicant No. 2.

---- Respondents

For Petitioners : Shri Surfaj Khan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****01/02/2017**

1. Petitioners are non-applicants in the claim petition before the 9th Additional Motor Accident Claims Tribunal, Bilaspur (for short 'the MACT'). The MACT has rejected petitioners' prayer under Order 1 Rule 10 CPC for impleadment of one Rakesh @ Kolwa Sahu.

2. It is argued that in another claim case arising out of the same accident Rakesh @ Kolwa Sahu has been arrayed as driver of the vehicle, therefore, he should have been arrayed as driver of the vehicle in the present claim case also. The claimants having not done so, the petitioners were entitled to move application for impleadment, which is wrongly rejected by the MACT.
3. If petitioner No.1 has been arrayed as driver of the offending vehicle in the present claim case and some other person has been arrayed as driver of the same vehicle in another claim case arising out of the same accident, the MACT should have impleaded the said Rakesh @ Kolwa Sahu as party in this petition so that the claim petition is adjudicated in its entirety without any technical glitch and the litigation attains finality at the earliest.
4. Accordingly, the MACT is directed to implead Rakesh @ Kolwa Sahu, whose complete address shall be furnished by the petitioner to the MACT and thereafter the claim case be decided in accordance with law. The District Judge, Bilaspur is directed to make over both the claim cases for trial before one MACT and not before different Tribunals.
5. A copy of the order be sent to the District Judge for compliance.

Sd/-

Judge
Prashant Kumar Mishra