

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 104 of 2017

1. Divisional Manger I F F C O Tokiyo General Insurance Co. Ltd., 2nd Floor, 205, M. M. Plaza, Udyog Bhawan, Near Mining Office, Ring Road No.1, Raipur, (Chhattisgarh)

---- Petitioner

Versus

1. Kamlesh Yadav S/o Chintaram Yadav, Aged About 32 Years House No. 54/ 566, Ayurvedic College Campus, Raipur, Tahsil & District Raipur, (Chhattisgarh)
2. Avinash Soni, S/o Leeladhar Soni, Aged About 30 Years R/o Nirmal Medical Store, Kusapur Chowk, Near Panchmukhi Hanuman Mandir, New Changoribhata, Raipur, (Chhattisgarh)
3. Ramkisan Yadav, S/o Chintaram Yadav, Aged About 26 Years R/o House No. 54/566, Ayurvedic College Campus, Raipur, Tahsil & District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner : Shri P.R. Patankar, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

06/02/2017

Challenge in the present petition filed under Article 227 of the Constitution of India is to the order dated 6.12.2016 (Annexure P/4) passed by First Additional Motor Accident Claims Tribunal, Raipur whereby the Tribunal has refused to take the written statement filed by the petitioner on record.

02. Counsel for the petitioner submits that time was granted to the petitioner to file written statement till 20.10.2016 and the same was filed well within the period prescribed therefor, as is evident from the

order sheet dated 20.10.2016 which shows that the written statement has been filed in the second half whereas the order sheet closing the right of the petitioner of filing written statement, has been recorded in the first half.

03. Considering the facts and circumstances of the case, in the larger interest of justice, the petition is allowed and the Tribunal is directed to take the written statement filed by the petitioner on record, subject to payment of cost of Rs.1000/- to the claimant. It is also expected from the Tribunal to decide the claim case expeditiously.

Sd/

(Pritinker Diwaker)

Judge

Khan