

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 102 of 2017**

- National Insurance Company Limited Through The Divisional Manager, Viyapar Vihar Road, Bilaspur (Chhattisgarh) (Wrongly Mentioned As Through Shriram Insurance Co. Ltd.)

---- Petitioner**Versus**

1. Sushma Ben W/o Haricharan Ben, Aged About 54 Years
2. Haricharan Ben, S/o Late Chandan Ben, Aged About 55 Years

Both are R/o Vidyanagar, Bilaspur, Police Station Tarbahar, District Bilaspur, (Chhattisgarh)

3. Jageshwar Rajwade, S/o Reghuraraj Rajwade, Aged About 25 Years R/o Gangikot, Police Station Vishrampur, District Surajpur (Chhattisgarh) (Driver & Owner Of Motor Cycle No. C.G. 15/ C S/9923)
4. Smt. Jagita Bai, W/o Late Shri Prakash Ben, Aged About 35 Years R/o Quarter No. 169, Urja Nagar, Deepika, District Korba, (Chhattisgarh)

---- Respondents

For Petitioner : Shri Goutam Khetrapal, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/02/2017**

1. The insurance company has preferred this writ petition against the order dated 25.01.2017 by which the its application under Section 10 CPC for stay of the claim case No.196/15, pending in the Court of First MACT, Bilaspur has been rejected.
2. It appears, the claimants of the present claim petition namely Sushma Ben and Haricharan Ben are the parents of the deceased Prakash Ben. Yet another claim petition bearing claim case No.90/2015 has been preferred by

Smt. Jagita Bai, Wd/o deceased Prakash Ben before the First Additional MACT, Surajpur. Application under Section 10 CPC was moved because for one accident two separate claim petitions have been preferred in two different district Courts, therefore, there may be conflicting awards with different findings.

3. Considering the fact that the first claim petition was preferred at Bilaspur, the writ petition is disposed of with direction that claim case No.90/2015 pending in the Court of First Additional MACT, Surajpur shall stand transferred to Bilaspur and both the claim petitions be tried together by the First Additional MACT, Bilaspur. Let the Registry inform the First MACT, Surajpur to send the file to the District Judge, Bilaspur for making it over to the First Additional MACT, Bilaspur.

Sd/-

Judge

Prashant Kumar Mishra

Ashu