

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.7763 of 2007

Ramkumar Patel, aged about 50 years, S/o Shri Chhote Bhagat Patel, Occupation Agriculture, R/o Village Chhote Bhandar, Police Station Pussaur, Tahsil and District Raigarh (C.G.)

(Non-applicant No.1)

---- Petitioner

Versus

1. Commissioner under the Workmen Compensation Act, Labour Court, Raigarh (C.G.)

2. Duje Ram Yadav (Dead) Through LRs

(Applicant)

2A. Smt. Jamuna Bai Yadav, W/o Shri Dujeram yadav, aged about 50 years, Occupation Housewife, R/o Village Chhote Bhandar, Police Station & Tahsil Pusaur, District Raigarh (C.G.)

2B. Sanjay Yadave, S/o Shri Dujeram Yadav, aged about 30 years, Occupation Service, R/o Village Chhote Bhandar, Police Station & Tahsil Pusaur, District Raigarh (C.G.)

2C. Anuklal Yadav, S/o Shri Dujeram Yadav, aged about 25 years, Occupation 'Mistri', R/o Village Chhote Bhandar, Police Station & Tahsil Pusaur, District Raigarh (C.G.)

3. Siyaram Patel, S/o Shri Pilau Patel, aged about 55 years, Occupation Agriculture, R/o Village Chhote Bhandar, Police Station Pussaur, Tahsil and Distt. Raigarh (C.G.)

(Non-applicant No.2)

---- Respondents

For Petitioner: Mr. Abhishek Sharma, Advocate.

For Respondent No.1/State: -

Mr. Dheeraj Kumar Wankhede, Govt. Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/02/2017

1. Learned counsel for the petitioner submits that by the impugned order dated 11-5-2007, opportunity of the petitioner to examine defence witness has been closed.

2. The petitioner is employer under whom the workman is alleged to have been working on the date of incident and therefore the examination of Ramashray Yadav is necessary. Ramashray Yadav is said to be the eyewitness and is an important witness of incident. Therefore, in the interest of justice, the impugned order is set aside. The petitioner is allowed to examine Ramashray Yadav and other defence witnesses before the Commissioner for Workmen Compensation, Raigarh. Parties are directed to appear before the said Court on 27-2-2017 and on that day, the Commissioner would issue summons/ necessary process for appearance of defence witnesses to be examined by the present petitioner. The date should not be given of more than fifteen days. The Commissioner would conclude hearing of the application within three months from 27-2-2017, as the matter is pending since 10-8-2005.
3. With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge