

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 3 of 2018**

1. Dilip Verma S/o Shri Domar Singh Verma Aged About 27 Years
2. Domar Singh Verma S/o Sakharam Verma Aged About 60 Years

Both R/o Village Sarseni , Police Station Suhela District Baloda Bazar
Bhatapara Chhattisgarh

---- Petitioners**Versus**

1. Smt. Sudhara Bai Wd/o Panch Ram Bharati Aged About 42 Years
2. Chumanlal S/o Panchram Bharati Aged About 17 Years
3. Chain Singh S/o Panchram Bharati Aged About 15 Years
4. Jai Singh S/o Panchram Bharati Aged About 13 Years
5. Amish Bharati S/o Panchram Bharati Aged About 11 Years

Minors No.2 to 5 representation By Their Next Tried Mother Sudhara Bai ,
All above R/o R D A Colony Police Station At D D Nagar Raipur District
Raipur Chhattisgarh

---- Respondents

For Petitioners : Shri J.R. Verma, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/03/2018**

1. Heard.
2. The instant petition is filed for challenging the proceeding of the compensation case and award dated 29.11.2016.
3. Learned counsel for the petitioners would submit that the impugned order also includes the order dated 21.09.2016 & 04.10.2016 and would further

submit that the petition is by the owner and driver of the offending vehicle i.e. the Tractor and the entire proceeding of the claim case is bad as the insurance company and the owner of the other vehicle which collided with the vehicle that of the petitioner, have not been made a party, therefore, entire proceedings are bad.

4. Perusal of the record would show that the compensation case was filed by Smt. Sudhara Bai and four minor children against the petitioners, which was bearing No.340/2014, wherein the award was passed on 29.11.2016. As there is a provision of appeal exists in the Motor Vehicle Act, 1988 under Section 173, I am unable to understand the submission made by the counsel that how the entire proceedings were bad in law. Filing of petition shows that the appeal has not been filed against the award and instead entire proceedings of the compensation case has been prayed to be set aside which starts from filing of the compensation case on 20.06.2014 till it culminated into award. How such petition is tenable the petitioner is unable to submit.
5. The petition is completely misconceived, therefore, it is dismissed at the threshold.

Sd/-

Goutam Bhaduri
Judge

Ashu