

HIGH COURT OF CHHATTISGARH, BILASPUR**Transfer Petition (Civil) No.73 of 2017**

Rajendra Kumar Maheshwari, S/o Late Faujmal Maheshwari, aged about 51 years, R/o Vivekanand Nagar, Dhamtari, Tahsil and District Dhamtari, Chhattisgarh

---- Applicant**versus**

1. Smt. Bharti Maheshwari, W/o Late Aditya, aged about 25 years, R/o Near Model School, Menonite K.G. Building, Dhamtari, Tahsil and District Dhamtari, Chhattisgarh (as per application submitted by her)
2. Ful Singh, S/o Binda Prasad, aged about 50 years, R/o Ward No.22, Sitlapara, Nawapara, P.S. Gobra, Tahsil Abhanpur, District Raipur, Chhattisgarh
3. Shrawan Rajput, S/o Shri Babulal Rajput, aged about 36 years, R/o Village Tarri, Nawapara, P.S. Gobra Nawapara, Tahsil Abhanpur, District Raipur, Chhattisgarh
4. Divisional Manager, Oriental Insurance Co. Ltd., Mobin Mahal, Jail Road, Raipur, District Raipur, Chhattisgarh

--- Respondents

For Applicant	:	Shri P.R. Patankar, Advocate
For Respondent No.1	:	Shri Sunil Sahu, Advocate
For Respondents No.2 to 4	:	None

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****2.5.2018**

1. This transfer petition has been preferred under Section 24 of the Code of Civil Procedure for transfer of Claim Case No.433 of 2017 pending before the 6th Additional Motor Accidents Claims Tribunal, Raipur to the Motor Accidents Claims Tribunal, Dhamtari.
2. Shri P.R. Patankar, Learned Counsel appearing for the Applicant submits that the Applicant is the father of Late Shri Aditya Maheshwari, who died in a road accident on 28.3.2017. On account of death of Aditya Maheshwari, the Applicant along with his children filed a claim case before the Motor Accidents Claims Tribunal, Dhamtari, which has been registered as Claim Case No.87 of 2017. Notices have been issued to the Respondents in

the said claim case. Respondent Ful Singh (Respondent No.2 herein) is the driver of the offending vehicle, Respondent Shrawan Rajput (Respondent No.3 herein) is the owner of the offending vehicle and Respondent Insurance Company (Respondent No.4 herein) is the insurer of the offending vehicle. He further submits that thereafter Respondent No.1 herein has subsequently filed a claim case, being Claim Case No.433 of 2017 before the 6th Additional Motor Accidents Claims Tribunal, Raipur claiming herself to be the wife of late Aditya Maheshwari and the Applicant herein has been impleaded as Respondent No.4 in the said claim case. He further submits that since both the claim cases arise out of the same accident resulting the death of Aditya Maheshwari and first the Applicant herein and his children have filed the claim case before the Motor Accidents Claims Tribunal, Dhamtari and subsequently Respondent No.1 herein filed the claim case before the 6th Additional Motor Accidents Claims Tribunal, Raipur, it would be appropriate that both the claim cases be heard and disposed of by one Motor Accidents Claims Tribunal. Since the Applicant herein and his children have filed their claim case before filing of the claim case by Respondent No.1 herein, the claim case of Respondent No.1 pending before the 6th Additional Motor Accidents Claims Tribunal, Raipur be transferred to the Motor Accidents Claims Tribunal, Dhamtari.

3. Shri Sunil Sahu, Learned Counsel appearing for Respondent No.1 opposes the prayer made on behalf of the Applicant.
4. I have heard Learned Counsel appearing for the Applicant and Learned Counsel appearing for Respondent No.1 and perused the

material available with due care.

5. Considering the facts and circumstances of the case as also that both the claim cases have arisen out of the same cause of action and they relate to the death of Aditya Maheshwari and that first the Applicant and their children filed the claim case before the Motor Accidents Claims Tribunal, Dhamtari, I allow the instant transfer petition. Claim Case No.433 of 2017 pending before the 6th Additional Motor Accidents Claims Tribunal, Raipur is transferred to the Motor Accidents Claims Tribunal, Dhamtari for its hearing and disposal along with Claim Case No.87 of 2017 by the concerned Claims Tribunal, Dhamtari. The parties shall now appear before the Motor Accidents Claims Tribunal, Dhamtari on 22.6.2018.
6. Records of the concerned Claims Tribunals Raipur and Dhamtari be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-

(Arvind Singh Chandel)
Judge