

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 370 of 2018

Nandlal, S/o. Gainduram Bambode, Aged About 54 Years, R/o. Village Aktai, Post Surpa, Tahsil Patan, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. Jaiprakash Thakur, S/o. Late Samaruram Thakur, Aged About 36 Years, R/o. Village Aktai, Post Surpa, Tahsil Patan, District Durg Chhattisgarh.
2. Ramdayal Chandrakar, S/o. Bhuwanlal Chandrakar, Aged About 65 Years, R/o. Motipara, Durg, Tahsil & District Durg Chhattisgarh.

---- Respondents

For Petitioner : Mr. H.B.Agrawal, Sr. Advocate with Smt. Prabha Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.04.2018

1. The instant petition is against the order dated 23.03.2018 whereby an application moved under Section 10 of C.P.C. to stay the proceedings of the Workmen's Compensation Act has been dismissed.
2. It is contended by the learned counsel for the petitioner that a criminal case in respect of the same incident is pending before the Judicial Magistrate First Class wherein the petitioner has denied the entire allegations and have filed certain application to implead another party as an accused. In the meanwhile, the petition under Section 22 of the Workmen's Compensation Act is being filed, therefore, an application under Section 10 of C.P.C. was moved to stay the proceeding of Workmen's Compensation Act and the learned Court of Commissioner, Workmen's Compensation dismissed the same.
3. Perusal of the order and the record would show that the respondent Jaiprakash Thakur has filed a petition under Section

22 of the Workmen's Compensation Act wherein Nandlal & Ramdayal has been made as a party. Subsequent application was moved under Section 10 of C.P.C. by Nandlal claiming that one application has been filed under Section 319 of Cr.P.C. to inculcate another person as accused. After going through the record, I do not find any nexus about the defence which is raised. The Workmen's Compensation operates in the different field and the criminal liability operates in different field, it will not overlap with each other. If the petitioner and respondent No.1 is able to substantiate his claim before the Commissioner, Workmen's Compensation, he will succeed on its own merit. Only on the application under Section 10 of C.P.C. which is vague the proceeding of the Workmen's Compensation Act cannot be stayed.

4. In view of the above, the petition has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge