

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 516 of 2014

Akash Banjare, S/o. Ramlal Banjare, Aged About 12 Years, Minor,
Through His Father Shri Ramlal Banjare, S/o. Shri Maksudan Banjare,
R/o. Adhaari, Nawagaon, Dhamtari, Distt. Dhamtari, Chhattisgarh

---- **Petitioner**

Versus

1. Baldeshwar Sahu, S/o. Shri Punit Ram, Aged About 27 Years, R/o. Bhendra, Post Bhakhara, Distt. Dhamtari, Chhattisgarh
2. Pokhan Lal Sinha, S/o. Makhan Lal Sinha, R/o. Village Ranwa, Thana Arjuni, Distt Dhamtari, Chhattisgarh
3. The Oriental Insurance Company Ltd, Through Branch Manager, Near Amar Talkies, Dhamtari, Distt. Dhamtari, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Sanjay Patel, Advocate
For Respondent No.1 & 2	:	Mr. Kunal Das, Advocate
For Respondent No.3	:	Mr. Pallav Mishra, Advocate on behalf of Mr. Ratan Pusty.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.03.2018

Heard

1. The present petition is against the order dated 22.03.2014 whereby the right to lead evidence of the petitioner was closed.
2. Perusal of the record would show that the claim petition was preferred under Section 140 & 166 of the Motor Vehicles Act by the petitioner Akash Banjare, Minor, for the accident happened on 02.03.2013 whereby he sustained injury. The order would show that the petitioner was given three opportunities to lead the evidence on 27.11.2013, 25.01.2014 & 26.02.2014 and eventually the right to lead evidence was closed on 22.03.2014.
3. After perusal of this case, since it appears that the petition was preferred by a minor through his natural guardian father and the

case pertains to a claim of compensation, in order to advance the cause of justice on merit, opportunity to lead evidence to the petitioner appears to be justified as otherwise it would be a case of no evidence. Considering the nature of this case, the order dated 22.03.2014 is set aside. The petitioner is allowed to lead evidence of himself and may also summons the necessary witness to prove the injury in the case. The learned Claims Tribunal is directed to decide the case within a period of three months from the date of receipt of a copy of this order.

4. With such observation, the petition stands allowed.

Sd/-
(Goutam Bhaduri)
Judge