

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1346 of 2016**

1. Vikram Singh Otti S/o Late Deendayal Otti, Aged About 27 Years Caste- Gond.
2. Smt. Jaymati Bai Otti Wd/o Deendayal Otti, Aged About 45 Years Caste- Gond.
3. Smt. Ganeshiya Bai Otti Wd/o Late Deendayal Otti, Aged About 40 Years Caste- Gond (Claimants).

All are R/o Village- Bhadi, Tahsil- Pendra, District- Bilaspur, Chhattisgarh

---- Appellants

Versus

1. Dwarika Prasad Jaiswal S/o Narmada Prasad Jaiswal, Aged About 38 Years Caste- Kalar, R/o Village Nai Garhi Wrongly Mentioned As Gadi, Near Bus Stand, Police Station- Nai Garhi, District- Rewa M.P. At Present Resident of Rajendragram, Police Station- Rajendragram, District Anuppur M.P. (Driver).
2. Arun Kumar Jaiswal Wrongly Mentioned As Anup Kumar Jaiswal Son of Ujyari Lal Jaiswal, Caste- Kalar, R/o Ward No.15, Dhanpuri No.4, District Shahdol M.P. (Owner).
3. The New India Insurance Company Limited, Divisional Office, Shahdol, District- Shahdol M.P. (Insurer)

---- Respondents

For Appellants	:	Mr. Dharendra Prasad Mishra, Advocate.
For Respondent No. 3.	:	Mr. Qamrul Aziz, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

25/07/2018

1. This appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 against the order dated 02.08.2016 passed by Additional Motor Accident Claims Tribunal, Pendraroad, District- Bilaspur (C.G.) in M.J.C. No. 10/2012 wherein, the said tribunal rejected the application without providing opportunity to the parties to adduce evidence.
2. It appears from the record that a motor accident claim was registered as 26/2006 between the parties and in the said case,

matter was fixed on 05.05.2009 for recording evidence of the claimants. On that date, evidence was not adduced and the tribunal closed the evidence of the claimants. Again, the other side also not adduced the evidence and the matter was closed without recording evidence.

3. It is clear from the record that the tribunal adjudicated the matter without recording the evidence. As both sides are willing to adduce evidence before the tribunal, it would be proper that the case be remanded to the tribunal for recording evidence of both sides and decide the matter afresh.
4. The tribunal is directed to record the evidence of both sides and then decide the matter afresh. Both the parties shall appear before the tribunal on 20.08.2018 for further proceeding.
5. In view of the above, the appeal stands disposed of.

Sd/-
(Ram Prasanna Sharma)
Judge