

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 792 of 2018**

1. Santosh Kumar Yadav, Aged about 26 years, S/o Pardeshiram Yadav, R/o P.O. - Devkirari, Tahsil and Thana – Akaltara, District Janjir Champa (C.G.)
2. M/s Nehapreet Construction Private Limited, R/o NAC – 30 Awas Vikas Colony, Etawa (U.P.), another address – U/c – Shri Saroj Yadav, 1651, Bada Sarohi, New Shivali Road, Kalyanpur, Kanpur (U.P.)

---- **Petitioners****Versus**

1. Smt. Gauri Bai W/o Shri Mayaram Gond (Maravi), aged about 45 years, R/o P.O. - Hardikala, Thana – Sirgitti, Tahsil and District Bilaspur (C.G.)
2. Mayaram Gond (Maravi) S/o Shri Sukhram Gond, aged about 50 years, R/o P.O. - Hardikala, Thana – Sirgitti, Tahsil and District Bilaspur (C.G.)
3. Rajkumar S/o Shri Mayaram Gond (Maravi), aged about 14 years, Minor through his guardian (father) Shri Mayaram Gond (Maravi) S/o Shri Sukhram Gond, aged about 50 years, R/o P.O. - Hardikala, Thana – Sirgitti, Tahsil and District Bilaspur (C.G.)
4. United India Insurance Company Limited, through Branch Manager Branch Office – Gurukripa Towers, Vyapar Vihar Road, Tahsil and District Bilaspur (C.G.)

---- **Respondents**

For Petitioner : Mr. Achyut Tiwari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/09/18**

1. The petitioners (owner and driver of the vehicle) have filed an application under Order 1 Rule 10 of the C.P.C. stating that the actual owner and driver have not been impleaded as party non-applicant in the claim petition which has been rejected by the trial Court against which this writ petition has been filed.
2. Learned counsel for the petitioners submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. I have heard learned counsel for the petitioners.

4. The trial Court has rejected the application filed under Order 1 Rule 10 of the C.P.C. finding no merit and more particularly the application was filed after a delay of four years as the incident happened on 11.06.2014 and the claim petition is pending consideration since March, 2016. As such, sufficient and valid reasons have been assigned by the trial Court while rejecting the said application in which I do not find any illegality.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. However, petitioners would be at liberty to prove relevant documents in support of their case that they are not the actual owner and driver of the offending vehicle. The claims Tribunal is directed to conclude the trial within 45 days from the date of receipt of this order. A copy of this order be sent to the Claims Tribunal. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge