

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 813 of 2018**

Smt. Valsala Bai @ Vatsala Bai W/o Shri Daulat, Ram, Aged About 70 Years R/o Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh., District: Surguja (Ambikapur), Chhattisgarh[Non-applicant No. 4 / mother of deceased] **---- Petitioner**

Versus

1. Sushma Wd/o Late Anand Kumar Aged About 40 Years R/o Near Sakri Water Tank, P.S. Chakarbhatha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh[Claimants]
2. Akshay Kumar S/o Late Anand Kumar Aged About 20 Years R/o Near Sakri Water Tank, P.S. Chakarbhatha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh[Claimants]
3. Apeksha Anand S/o Late Anand Kumar Aged About 17 Years Through The Respondent No. 1, Sushma, R/o Near Sakri Water Tank, P.S. Chakarbhatha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh[Claimants]
4. Arjun Rajwade S/o Shri Rambharos Rajwade Aged About 28 Years R/o Village - Baraunghi, P.S. Bhatgaon, District Surajpur Chhattisgarh. (Driver Of Trailer No. Cg15/ac-1991., District : Surajpur, Chhattisgarh[Driver of the Trailer No. CG15/AC-1491].....**Non-applicant No. 1**
5. Tusendra Kumar Rajwade S/o Shri Rijhanram Rajwade, R/o Village Baraudhi, P.S. Bhatgaon, District Surajpur Chhattisgarh. (Owner Of Trailer No. Cg15/ac-1491), District : Surajpur, Chhattisgarh[Owner of the Trailer No. CG15/AC-1491].....**Non-applicant No. 2**
6. Sriram Insurance Company Limited, Branch Manager 4th Floor, Maruti Heights G.E. Road, Raipur Through Sriram Insurance Company Limited, Rajiv Plaza, Old Bus Stand, Bilaspur, District Bilaspur Chhattisgarh. (Insurer Of Trailer No. Cg15/ac-1491), District : Bilaspur, Chhattisgarh [Insurer of the Trailer No. CG15/AC-1491].....**Non-applicant No. 3**
---- Respondents

For Petitioner : Mr. A. N. Bhakta, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/09/18

1. In a claim petition filed by the respondents No. 1 to 3 / claimants, claiming compensation of death of Shri Anand Kumar, the mother of the deceased made an application for framing additional issues with regard to the age of the deceased and claimant No. 3 and also that the death of the deceased is a criminal act, which has been rejected by the Claims Tribunal by order dated 20.02.2018 (Annexure – P/1) against which this writ petition has been preferred.

2. Learned counsel for the petitioner submits that the issues are required to be framed with regard to commission of murder of the deceased.

3. I have heard learned counsel for the petitioner and perused the impugned order.

4. The Claims Tribunal has assigned sufficient and valid reasons to reject the application of the petitioner. Even otherwise, the age of the deceased and Claimant No. 3 is a matter of evidence and the parties are at liberty to lead evidence on the said question as the Claims Tribunal's scope of enquiry is limited and in that case the question raised by the petitioner cannot be considered. As such, I do not find any merit in the writ petition.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. However, as the claim petition was filed and is pending before the Claims Tribunal for more than three years, the Claims Tribunal is directed to consider and dispose of the claim case expeditiously, preferably within a period of three months from the date of receipt of copy of this order. No cost(s).

SD/-

(Sanjay K. Agrawal)
Judge