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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 838 of 2018**

Sanjay Sahu S/o Late Shri Ramayan Prasad Sahu Aged About 32 Years R/o Village Kharkhena, P. S. Hirri, Tahsil Takhatpur, District Bilaspur, Chhattisgarh.Non Applicant No. 1 ---- **Petitioner**

Versus

1. Smt. Reshu Goutam W/o Late Jitendra Goutam Aged About 21 Years R/o Ghonghababa Mandir, Premises, Near Shyam Talkies, P. S. City Kotwali, Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Premnarayan Goutam S/o Late Shri Bhaiyalal Goutam Aged About 52 Years R/o Ghonghababa Mandir, Premises, Near Shyam Talkies, P. S. City Kotwali, Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Smt. Shakuntala Goutam W/o Premnarayan Goutam Aged About 50 Years R/o Ghonghababa Mandir, Premises, Near Shyam Talkies, P. S. City Kotwali, Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Ku. Smita Goutam D/o Premnarayan Goutam Aged About 26 Years R/o Ghonghababa Mandir, Premises, Near Shyam Talkies, P.S. City Kotwali, Tahsil And District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Parasram Sahu Aged About 45 Years, R/o Village Kharkhena, P.S. Hirri, Tahsil Takhatpur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Ganga Prasad Koushik S/o Late Shri Chhedilal Koushik Aged About 55 Years R/o Village Kharkhena, P. S. Hirri, Tahsil Takhatpur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

--- Respondents

For Petitioner : Mr. C. Jayant K. Rao, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****13/12/18**

1. The claimants filed an application under Section 166 of the Motor Vehicles Act, 1988 claiming compensation against the present petitioner and

one Parasram Sahu and Ganga Prasad Koushik which is pending consideration before the Claims Tribunal. Meanwhile, the petitioner herein who is the driver of the offending vehicle filed an application before the Motor Accident Claims Tribunal that proceeding of claim case be stayed against him as the criminal case pending against him has been stayed by this Court, that application has been rejected by the Claims Tribunal by impugned order dated 07.08.2018 against which this writ petition has been preferred.

2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law as the Claims Tribunal ought to have stayed the proceeding initiated against the petitioner in the claim case till the criminal proceeding pending before this Court is finally decided and therefore, the impugned order is liable to be set aside.

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

4. From the perusal of the record it appears that some interim order has been granted by this Court in favour of the petitioner staying further proceeding of the criminal case pending against him but on that ground the proceeding of the claim case cannot be stayed which application has rightly been rejected by the trial Court. 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, the petitioner would be at liberty to raise the grounds before the Claims Tribunal. The Claims Tribunal is directed to conclude the hearing of the claim case expeditiously preferably within a period of four months from the date of receipt of copy of this order.

6. A copy of this order be sent to the Claims Tribunal by email and Fax for needful and compliance.

Sd/-

(Sanjay K. Agrawal)
Judge