

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WP227 No.1065 of 2018**

Smt.Valsala Bai @ Vatsala Bai, aged about 70 years, wife of Shri Daulat Ram, R/o. Gandhi Nagar, Ambikapur, Distt. Surguja (CG)

---- Petitioner

**Versus**

1. Sushma, aged about 40 years, widow of late Anand Kumar
2. Akshay Kumar, aged about 20 years, son of Late Anand Kumar,
3. Apeksha Anand, aged about 17 years, son of Late Anand Kumar, through the respondent No.1, Sushma

All claimants are resident of – Near Sakri Water Tank, P.S. Chakarbhatta, Distt. Bilaspur (CG)

4. Arjun Rajwade, aged about 28 years, son of Shri Rambharos Rajwade, R/o. Vill. Baraundhi, P.S. Bhatgaon, Distt. Surajpur (CG) (Driver of Trailer No.CG15/AC-1491)
5. Tushendra Kumar Rajwade, son of Shri Rijhanram Rajwade, R/o. Vill. Baraundhi, P.S.Bhatgaon, Distt. Surajpur (CG) (Owner of Trailer No.CG15/AC-1491)
6. Sriram Insurance Company Limited, Branch Manager, 4<sup>th</sup> Floor, Maruti Heights, G.E. Road, Raipur, through-Sriram Insurance Company Limited, Rajiv Plaza, Old Bus Stand, Bilaspur, Distt. Bilaspur (CG) (Insurer of Traile No.CG15/AC-1491)

---- Respondents

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

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**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board**

**14/12/2018**

1. By the impugned order, though the Additional Motor Accident Claims Tribunal, Bilaspur has allowed the present petitioner/non-applicant No.4 to examine the witnesses, but refused to issue process on the ground that it will cause delay in disposal of the claim application, against which, this writ petition has been filed.

2. Learned counsel for the petitioner would submit that the petitioner has proposed the witnesses to be examined, but the Claims Tribunal has directed to produce personally, which is unsustainable and bad in law.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. It is the case of the petitioner that unless summons are issued to her listed witnesses they will not appear at the request of the petitioner. In view of that, the trial Court is not justified to refuse the issuance of summons on the ground that it might be caused delay in trial.
5. Accordingly, the Claims Tribunal is directed to issue summons to the listed witnesses of the petitioner who are not examined and ensure the presence of the witnesses as application filed by the petitioner.
6. With the aforesaid observation, the writ petition finally stands disposed of. However, the respondents are at liberty to file an application for modification of this order, if any. Time granted by this Court for disposal of the claim case is extended till 31<sup>st</sup> March, 2019. A copy of this order be sent to the concerned Claims Tribunal by fax/e-mail. No cost(s).

Certified copy today itself.

Sd/-

(Sanjay K.Agrawal)  
Judge

B/-