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HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal (C) No.484 of 2014**

1. Smt. Sama Parveen, W/o Late Mohd. Shafi, Aged About 36 Years, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).
2. Mohd. Yusuf, S/o Late Mohd. Shafi, Aged About 12 Years, Minor Through Mother Smt. Sama Parveen, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).
3. Heena Kaushar, S/o Late Mohd. Shafi, Aged About 10 Years, Minor Through Mother Smt. Sama Parveen, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).
4. Najreen Kaushar, S/o Late Mohd. Shafi, Aged About 7 Years, Minor Through Mother Smt. Sama Parveen, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).
5. Mohd. Rasheed, S/o Late Mohammad, Aged About 75 Years, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).
6. Smt. Asgari Begum, W/o Mohd. Rasheed, Aged About 70 Years, R/o Asharfi Road, Farid Nagar, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Revenue District Durg, Chhattisgarh (Applicant).

---- Appellants**Versus**

Managing Director, D.S.C. Vaicon Pvt. Ltd., R/o Near Kosanala Supela, Bhilai, P.O. & P.S. Supela, Tahsil & District Durg, Chhattisgarh (Non-Applicant).

---- Respondent

For Appellants	:	Shri Badruddin Khan, Advocate.
For Respondent	:	None.

Hon'ble Shri Justice Sanjay S. Agrawal

Order On Board

26.11.2019

1. Heard on admission.
2. This Miscellaneous Appeal has been preferred by the claimants under Section 30 of the Workmen's Compensation Act, 1923 (hereinafter referred to as 'the Act of 1923') questioning the legality and validity of the order dated 01.12.2014 passed by the learned Commissioner for Workmen's Compensation, Durg, District Durg (C.G.) in Case No.84/W.C. Act/2009 Fatal, whereby the concerned Commissioner has dismissed the claim petition. The parties to this appeal shall be referred hereinafter as per their description in the Court below.
3. On account of the accident occurred on 20.02.2007, a claim enumerated under Section 22 of the Act of 1923 has been made by claiming the total amount of compensation to the tune of Rs.3,95,200/-.
4. The said claim petition has been contested by the Non-Applicant by saying that the claimants have already obtained the amount of

compensation, while filing the claim petition before the 9th Motor Accident Claims Tribunal, Durg and, therefore, the claim petition as framed without disclosing the material fact deserves to be dismissed.

5. After considering the aforesaid contentions of the parties, the concerned Commissioner has examined the evidence of the claimants. According to the widow of the deceased namely, Sama Parveen, it is evident from her cross-examination, paragraph 2, that the amount of compensation has already been obtained by her while moving a claim petition before the concerned Tribunal at Durg.
6. Upon due consideration of the pleadings of the parties, vis-a-vis, the evidence of the said witness, the Commissioner of Workmen's Compensation has rightly dismissed the claim petition preferred under Section 22 of the Act of 1923.
7. In view of the aforesaid facts, I do not find any question of law, much less the substantial questions of law which arise for determination in this appeal. Accordingly, the appeal is dismissed at the admission stage itself. No order as to costs.

Sd/-
(Sanjay S. Agrawal)
Judge