

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MAC No. 1099 of 2014**

1. Smt. Minakshi Dewangan W/o Late Nathuram Dewangan Aged About 22 Years R/o Kurud Road, Kohka, Bhilai, Tah. And Distt. Durg C.G.
2. Satyam Dewangan S/o Late Nathuram Dewangan Aged About 2.5 Years Minor, Through natural guardian Mother Smt. Minakshi Dewangan, aged about 22 years, R/o Kurud Road, Kohka, Bhilai, Tah. And Distt. Durg C.G.,

**---- Appellants/claimants**

**Versus**

1. Bholaram S/o Keshav Sao Sahu Aged About 23 Years R/o Mehman Koyla Depot, Camp-1, Bhilai Nagar, Tah. And Distt. Durg C.G., Chhattisgarh (driver of DI 207 bearing registration No. CG 07 C 9054)
2. Deepak Sen S/o Jatis Chandra Sen R/o Lig-131 M.P. Housing Board, Nehru Nagar, Near Sbi Bank Bhilai, Tah. And Distt. Durg C.G., District : Durg, (owner of DI 207 bearing registration No. CG 07 C 9054)
3. Divisional Manager, National Insurance Co. Ltd., G.E. Road, Power House, Bhilai, Tah. And Distt. Durg C.G.,
4. Devsingh Dewangan Aged About 60 Years
5. Smt. Kamla Bai W/o Devsingh Aged About 55 Years  
Both R/o Kurud Road, Kohka, Bhilai, Tah. And Distt. Durg C.G.,

**---- Respondents**

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|------------------------|---|----------------------------------|
| For Appellants         | : | Shri AC Sahu, Advocate.          |
| For Respondent Nos.1&2 | : | None.                            |
| For Respondent No.3    | : | Shri Gautam Khetrapal, Advocate. |
| For Respondent Nos.4&5 | : | Shri PR Patankar, Advocate.      |

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**Hon'ble Shri Gautam Chourdiya, J**

**Order On Board**

**09/01/2019**

Learned counsel for the appellants fairly submits that a separate claim case bearing No.365/2011 was filed by parents and grandmother of the deceased herein for his death in motor vehicular accident occurred on 17.3.2011 which was decided by the 6<sup>th</sup> Additional Motor Accident Claims Tribunal, Durg vide award dated 28.7.2014 and against the same, they preferred appeal i.e. MAC No.462/2015. The said appeal has already been decided by this Court vide judgment dated 7.12.2018 wherein quantum of compensation as well as the liability part have been decided and out of the total enhanced

compensation assessed by this Court of Rs. 14,55,400/-, 1/3rd of the same i.e. Rs.4,85,133/- has been granted to parents of the deceased and 2/3rd of the same i.e. Rs.9,70,267/- has been granted to wife and minor son of the deceased (claimants herein) with interest as awarded by the Tribunal. Therefore, nothing more remains to be decided in the present appeal filed by the claimants – mother and minor son of the deceased and he seeks to withdraw the same.

02. Learned counsel appearing for the respondents submit that in view of judgment of this Court dated 7.12.2018 passed in MAC No.462/2015, the present appeal becomes infructuous and therefore, it be disposed of as such.

03. In view of aforesaid submissions of learned counsel for the parties and the judgment of this Court dated 7.12.2018 passed in MAC No.462/2015, the present appeal stands disposed of.

Sd/

**(Gautam Chourdiya)**

**Judge**