

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 623 of 2019**

Radheshyam Khatri S/o Late Khetmal Khatri Aged About 70 Years R/o Bazar Chowk Gurur, Tahsil Gurur, District Balod, Chhattisgarh, (Owner Of Motor Cycle No. C.G.05/7945) (Non Applicant No. 02).

---Petitioner

Versus

1. Bharti Sharma W/o Late Vinaydhar Sharma Aged About 41 Years R/o Village Pandri, Raipur, District Raipur, Chhattisgarh.
2. Vibha Sharma D/o Vianaydhar Sharma Aged About 16 Years Minor, Represented Through Mother And Legal Guardian Smt. Bharti Sharma Widow Of Late Vinaydhar Sharma Village Pandri, Raipur, District Raipur, Chhattisgarh.
3. Tiya Sharma D/o Vianaydhar Sharma Minor, Represented Through Mother And Legal Guardian Smt. Bharti Sharma Widow Of Late Vinaydhar Sharma Village Pandri, Raipur, District Raipur, Chhattisgarh. **--- Claimants**
4. Dhanesh Netam, Son of Manrakhan Netam, Aged about 29 years, Resident of Village Chhipli, Police Station Nagri, District Dhamtari, Chhattisgarh. (Driver of Motorcycle No. C.G. - 05/7945) (Now Dead).

--- Non-applicant No. 1

---- Respondents

For Petitioner : Mr. B.P. Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/08/2019

1. By the impugned order dated 12/07/2019, learned Fifth Additional Motor Accidents Claims Tribunal has closed the opportunity of petitioner/defendant No. 2 to adduce evidence against which this writ petition under Article 227 of the Constitution of India has been preferred by him.

2. Learned counsel for the petitioner submits that the impugned order passed by learned Motor Accidents Claims Tribunal is unsustainable and bad in law as one of the petitioner's evidence namely Prem Sai Kalihari has already been examined and the matter was fixed to examine the petitioner/defendant No. 2 himself on 12/07/2019 but on the same date, his opportunity to lead evidence was closed by the Claims Tribunal.
 3. I have heard learned counsel for the petitioner at length and perused the records.
 4. Taking into consideration the nature of the dispute between the parties and looking to the fact that petitioner herein has been impleaded as a party being the prior owner of the vehicle in the application under Section 166 of the Motor Vehicle Act filed by the respondents No. 1 to 3/claimants, an opportunity is granted to the present petitioner/defendant No. 2 to examine himself subject to payment of cost of Rs. 2,000/- to the respondents No. 1 to 3/claimants on 19th August, 2019 before the Claims Tribunal. If the petitioner fails to pay the cost on the said date, the order would be inoperative.
 5. With the aforesaid observations, this writ petition stands disposed of. Respondents are at liberty to file suitable application for modification, if aggrieved.
 6. A copy of this order be sent to the concerned Motor Accidents Claims Tribunal by e-mail/fax today itself.
- Certified copy, today.

Sd/-
(Sanjay K. Agrawal)
Judge