

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 651 of 2019

- Smt. Radha Bai Sinduja (Wrongly mentioned as Sindula) W/o Shri Kanhaiya Lal Sinduja, Aged About 62 Years, R/o Qtr No. 4, Gali No.1, Rajiv Nagar, Tahsil and District- Raipur, Chhattisgarh.....(Applicant), District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Smt. Monika Sinduja Wd/o Late Dharmendra Sinduja, Aged About 33 Years, R/o Qtr No.1, Gali No.7, Mutha Nagar, Telibandha, Tahsil and District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Ku. Barbi Sinduja D/o Late Dharmendra Sinduja, Aged About 12 Years, (Minor) Daughter of Late Dharmendra Sinduja, Through Natural Guardian Mother Smt. Monika Sinduja, R/o Qtr No.1, Gali No.7, Mutha Nagar, Telibandha, Tahsil and District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Oriental Bank of Commerce Collectorate Premises, Raipur, through the Branch Manager, District : Raipur, Chhattisgarh
4. Public At Large

-----Respondents

For Petitioner : Shri Malay Kumar Bhaduri, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on Board

02/12/2019

Heard.

1. This petition has been brought being aggrieved by the order dated 28-06-2019 passed in Claim MJC No.64/2018 by the 5th Additional MACT, Raipur dismissing the application of the petitioner.
2. It is submitted that Dharmendra Sinduja was son of this petitioner who had filed a Claim Case No.79/2009 before the Court of the

learned 14th Additional MACT for compensation under the Motor Vehicles Act, in which award was passed on 22-02-2011 granting compensation to him. Thereafter, appeal has been filed for enhancement before this Court which is pending as MAC No.160/2012. During pendency of this appeal the applicant Dharmendra Sinduja has expired. Subsequent to which, in the process of substituting his LRs. name of this petitioner has been left out. Therefore, the petitioner filed a separate application before the Court of learned 5th Additional MACT praying for determining her share in the compensation which has been dismissed by the impugned order.

3. Considering that the original claimant namely Dharmendra Sinduja himself had filed the claim case and he himself had preferred the appeal before this Court and it was during pendency of this litigation he has expired and his LRs. have been brought on record leaving out this petitioner. With regard to the prayer made by this petitioner, it is observed that she has option to file application before the High Court for impleading her as a party in capacity of LR of Dharmendra Sinduja. Therefore, this petition is disposed off. The petitioner has liberty to file application for impleading herself as a party in MAC No.160/2012 and pray for issuance of orders.
4. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge