

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(227) No. 879 of 2019**

1. Abhinav Singh @ Kittu, S/o. Shri Aditya Prabhat Singh, Aged About 15 Years, Through Legal Guardian Father Aditya Prabhat Singh, S/o. Advash Prabhat Singh, Aged About 43 Years, R/o. MIG, 11/14, M.P. Nagar, Korba, Tahsil And District Korba, Chhattisgarh.
2. Rajendra Singh, S/o. Ram Kumar Singh, Aged About 45 Years, R/o. MIG, 1/53, M.P. Nagar Korba, District Korba, Chhattisgarh.

**---- Petitioners**

**Versus**

1. Sidharth Rai, S/o. Shri Santosh Rai, Aged About 3 Years, R/o. Shivaji Nagar, Korba, Tahsil and District Korba, Chhattisgarh, Through Natural Guardian Father Santosh Rai, S/o. Shushil Rai, Aged About 36 Years, R/o LIG, 230, Shivaji Nagar Korba, District Korba, Chhattisgarh.
2. The Oriental Insurance Company Ltd. Through Branch Manager, The Oriental Insurance Company Ltd. Branch Office, T.P. Nagar, Korba, District Korba, Chhattisgarh.

**-----Respondents**

---

For Petitioner : Mr. Pushpendra Kumar Patel, Advocate

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**25/11/2019**

1. This petition has been brought being aggrieved by the order dated 21.10.2019, passed by the learned Court of First Additional Motor Accident Claims Tribunal, Korba, District – Korba (C.G.) in M.A.C.T. No. 104 of 2015 by closing the opportunity of evidence of the petitioners, who are non-applicants in that case.

2. It is submitted that the petitioners had bonafide reason for non-appearance of their witnesses on the date of hearing and they were also ready to make payment of cost of Rs.5,000/- imposed on them on the earlier date of hearing for non-production of witnesses, however, even under these circumstances, the learned M.A.C.T has not given proper consideration and passed the impugned order. Therefore, it is prayed that the impugned order be set-aside.
3. On perusing the impugned order as well as the order-sheets of the earlier date, I am of this opinion that one more opportunity can be given to the petitioners for producing evidence before the learned M.A.C.T., therefore, only for the this reason this petition is disposed off at motion stage
4. The impugned order dated 21.10.2019 closing opportunity of evidence of the petitioners is set-aside and it is ordered that the petitioners/non-applicants be granted one more opportunity for adducing evidence before the learned M.A.C.T. and that shall be subject to payment of cost imposed by the learned M.A.C.T. on the earlier date. It is further made clear that no further opportunity shall be given to the petitioners. The petitioners are directed to appear before the learned M.A.C.T. on the next date of hearing and on that date, the date shall be independently fixed by the learned M.A.C.T. for the evidence of the petitioners.
5. Accordingly, the petition is disposed off.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge