

HIGH COURT OF CHHATTISGARH, BILASPUR

TPC No. 10 of 2019

Smt. Radha Bai, Wd/o Late Madan Sunder Yadav, Aged About 37 Years, R/o Through Rishikesh Yadav, Roshan Colony, Church Road, Kansabel, Tahsil- Kansabel, District- Jashpur (C.G.)

---- Petitioner

Versus

1. Minor Deepak Kumar Yadav, S/o Late Madan Sunder Yadav, Aged About 17 Years.
2. Minor Rakesh Kumar Yadav, S/o Late Madan Sunder Yadav, Aged About 16 Years.
Respondent No. 1 & 2 are minor through Guardian Grandfather- Jageshwar Prasad Yadav, S/o Gopal Prasad Yadav.
3. Smt. Hemowati Yadav, W/o Jageshwar Prasad Yadav, Aged About 60 Years.
4. Jageshwar Prasad Yadav, S/o Gopal Prasad Yadav, Aged About 62 Years.
All R/o Village & Post Kushmura, P. S. Kotraroad, Tahsil & District- Raigarh (C.G.)
5. Vijay Sao, S/o Rewa Sao, Aged About 46 Years, Occupation- Owner/Driver, R/o Village- Nawadih, Ward No. 4, P.S. Markacho, District- Kodarma (Jharkhand)
6. Manager Megma General Insurance Company Limited, Megma House, 24 Park Street, Kolkota (W.B.), 700016.

---- Respondents

For Petitioner	:	Mr. Aman Kesharwani & Mr. Nishikant Mahobia, Adv.
For Respondent No. 1 to 4	:	Mr. Rajendra Tripathi, Adv.
For Respondent No. 6	:	Mr. D.L. Dewangan, Adv.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

25/09/2019

1. This transfer petition is preferred under Section 24 of the Code of Civil Procedure, 1908 for transferring Motor Accident Claim Case No. 46/2018 pending before the court of Fifth Motor Accident Claims Tribunal, Raigarh (C.G.) to the court of Motor

Accident Claims Tribunal, Jashpur (C.G.) which arises due to a motor accident occurred on 24.03.2018 at about 9:30 a.m. in which deceased Madan Sunder Yadav died.

2. From order-sheet dated 07.12.2018 of the court of Fifth Motor Accident Claims Tribunal, Raigarh, it is clear that the applicant has filed an application for impleading her as party in the said case before the Tribunal at Raigarh and the Tribunal allowed her application and she has been made party in the said case. Again, her statement was recorded before the Tribunal at Raigarh on 28.03.2019 as per the documents produced by the respondent side.
3. When the applicant has already been made party in the claim case at Raigarh and her statement is recorded, there is nothing to transfer the said claim case pending before the Tribunal at Raigarh to Tribunal at Jashpur.
4. Accordingly, the instant transfer petition is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge