

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 940 of 2019

- Budhram Verma S/o Shri Bisauharam Verma Aged About 50 Years R/o Village Chandi, Police Station - Suhela, District - Baloda Bazar - Bhatapara Chhattisgarh

---- Petitioner

Versus

1. Pinky Verma Wd/o Late Kanhaiya Verma Aged About 31 Years
2. Seema Verma D/o Late Kanhaiya Verma Aged About 13 Years Minor, Through Their Mother Pinky Verma
3. Varsha Verma @ Varsha Kumari Verma D/o Late Kanhaiya Verma, Aged About 10 Years Minor, Through Their Mother Pinky Verma
4. Khileshwar Verma S/o Late Kanhaiya Verma Aged About 6 Years Minor, Through Their Mother Pinky Verma,
5. Kalindi Bai Verma Wd/o Late Laxman Verma Aged About 54 Years
(all are r/o Village Risda, Police Station And District Baloda Bazar Presently r/o - C/o Kaushilya Verma, Santoshi Nagar, Police Station - Tikarapara, Raipur Chhattisgarh)

---- Respondents

For Petitioner : Mr. Pragalbha Sharma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-12-2019

1. This petition has been brought being aggrieved by the order dated 04.09.2019 passed in Claim Case No.317/2019 pending before the Court of 11th Additional Motor Accidents Claims Tribunal, Raipur, C.G.
2. Learned counsel for the petitioner submits that the proceeding on the F.I.R., on the basis of which the present claim case has been brought,

itself has been stayed by this Court in Cr.R. No.672/2019 vide order dated 17.06.2019. Therefore, a prayer was made for staying the proceeding in the Claim Case which has been rejected by the learned M.A.C.T. arbitrarily and erroneously against the provision of law.

3. Considered on the submissions so made, as the burden of proof in this Claim Case is totally different and not dependent on the result or outcome of the Criminal Case, therefore, no purpose will be served in staying the proceeding in the Claim Case. The grounds on which this petition has been brought can very well be raised in the defence in the Claim Case by the petitioner's side. Therefore, the petition is disposed off.
4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Monika