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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 266 of 2026

Cholamandalam M.S. General Insurance Company Limited Hinduja Complex Paras Nagar Chowk, Near Railway Line, Devendranagar Marg, Raipur (C.G.)

... Petitioner

versus

1 - Smt. Sippi Jha W/o Late Shri Pankaj Kumar Jha, Aged About 38 Years R/o Shri Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And Dist. Raipur C.G.

2 - Aadya Jha, D/o Late Shri Pankaj Kumar Jha, Aged About 14 Years R/o Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And Dist. Raipur (C.G.) Through Legal Representative- Smt. Sippi Jha (Mother)

3 - Divya Jha, D/o Late Shri Pankaj Kumar Jha, Aged About 13 Years R/o Shri Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And Dist. Raipur C.G. Through Legal Representative- Smt. Sippi Jha (Mother)

4 - Jalaj Jha, S/o Late Shri Pankaj Kumar Jha, Aged About 5 Years R/o Shri Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And Dist. Raipur C.G. Through Legal Representative- Smt. Sippi Jha (Mother)

5 - Smt. Manjula Devi, W/o Shri Sharda Nand Jha, Aged About 67 Years R/o Shri Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And Dist. Raipur C.G.

6 - Sharda Nand Jha, S/o Late Satya Narayan Jha, Aged About 68 Years R/o Shri Ramnagar Near Railway Station Gate, Thana- Khamhardih, Tehsil And

Dist. Raipur C.G.

7 - Ram Kishore Jha, R/o House No. 29/121, Road No. 6, Shriram Nagar, Near Tv Tower, Raipur, Dist. Raipur C.G.

8 - The Oriental Insurance Company Lt. Through Its Manager- The Oriental Insurance Co. Ltd. Pk Plaza, Pachpedi Naka, Ring Road No. 1, Raipur, Dist. Raipur C.G.

9 - Ganesh Singh S/o Lal Dev Singh, Aged About 43 Years R/o Village Selari, P.S. Tarashi, Dist. Palamu, Jharkhand.

10 - Ajit Kumar Singh, S/o Kishun Singh, Aged About 43 Years R/o Through Rajendra Prasad Gupta, Ward- 15, Ramanujganj, Dist. Balrampur C.G.

Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Vaibhav Shukla, Advocate along with Ms. Shrejal Gupta, Advocate
For Respondents No. 8	:	Mr. Raj Awasthi, Advocate

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

30/10/2026

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, challenging the order dated 01.10.2025 (wrongly mentioned in the writ petition as 16.10.2025), passed by the learned 8th Additional Motor Accident Claims Tribunal, Raipur, in Claim Case No. 393 of 2022, whereby the application filed by the petitioner under Rule 231 of the Chhattisgarh Motor Vehicles Rules, 1994, has been rejected.

2. Learned counsel for the petitioner would submit that the petitioner is non-applicant No. 5 before the learned Claims Tribunal, where respondents No. 1 to 6 are prosecuting a claim under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Pankaj Kumar Jha. In the claim proceedings, the claimants have filed certain Income Tax Returns and GST Returns, claiming that the deceased, Pankaj Kumar Jha, was the proprietor of M/s Sharda Construction and had been regularly filing Income Tax Returns and GST Returns. On the basis of the said returns, the claimants have claimed compensation of Rs. 56 crores from the non-applicants. During the pendency of the proceedings, non-applicant No. 5/petitioner filed an application under Rule 231 of the Chhattisgarh Motor Vehicles Rules, 1994, seeking summoning of witnesses from the Income Tax Department and the GST Department, along with the relevant records for the financial years 2020-21 to 2025-26. He would further submit that, since the claimants have asserted that the deceased was regularly filing his returns before the Income Tax Department and the GST Department, the petitioner is required to summon witnesses from the concerned departments, along with the relevant records, to rebut the said claim. However, the learned Claims Tribunal rejected the application, holding that non-applicant No. 5 could produce the original copies of the returns which it intended to prove through the officers of the concerned departments. He would further submit that the petitioner is not in possession of the tax returns, if any, filed by the deceased and, therefore, the concerned departmental officers, along with the relevant records, are required to be summoned to rebut the claim made by the claimants. Despite the relevance of the said witnesses and documents,

the application has been rejected by the learned Claims Tribunal. Therefore, the impugned order deserves to be set aside, and the officers of the Income Tax Department and the GST Department may be summoned along with the relevant records.

3. On the other hand, learned counsel appearing for respondent No. 8 opposes the submissions made by learned counsel for the petitioner and would submit that the learned Claims Tribunal, after considering the entire facts and circumstances of the case, has rightly passed the impugned order, which does not warrant any interference by this Court.

4. I have heard learned counsel for the parties and perused the documents annexed with the petition.

5. In the present writ petition, the petitioner has annexed the order sheets of the learned Claims Tribunal and the application filed by it before the learned Claims Tribunal under Rule 231 of the Chhattisgarh Motor Vehicles Rules, 1994. However, to establish that the claimants had filed any documents relating to the Income Tax Returns and GST Returns allegedly filed by the deceased, the petitioner has not produced any such document along with the present writ petition. Consequently, this Court is unable to ascertain whether the petitioner is required to rebut any such evidence adduced by the claimants. Even in the application filed under Rule 231 of the Chhattisgarh Motor Vehicles Rules, 1994, the petitioner has not stated what documents have been filed by the claimants or on what grounds the petitioner seeks to rebut the same. Even a copy of the claim application has not been annexed to the present writ petition.

6. In view of the aforesaid facts and circumstances, this Court is unable to determine the necessity of summoning the witnesses for the purpose of rebutting the evidence, if any, adduced by the claimants. In the absence of sufficient pleadings and supporting documents, this Court is not inclined to entertain the present writ petition.

7. Accordingly, the present writ petition is **dismissed**. However, the petitioner shall be at liberty to file a duly constituted writ petition, if so advised.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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