

(2025) 12 MP CK 1978

In the Madhya Pradesh High Court, Gwalior Bench

Case No : Civil Revision No. 1287 Of 2025

Maniram Lodhi And Others

APPELLANT

Vs

Bhagwati Lodhi And Others

RESPONDENT

Date of Decision : 02-12-2025

Acts Referred:

Code Of Civil Procedure, 1908 — Section 10, 115

Citation : (2025) 12 MP CK 1978

Hon'ble Judges : G. S. Ahluwalia, J

Bench : Single Bench

Advocate : Ashfaq Khan

Final Decision : Disposed Of

Judgement

G. S. Ahluwalia, J

This Civil Revision has been filed against order dated 22.11.2025 passed by 21st, MACT, Gwalior in MACC No. 1517/2024.

The facts necessary for disposal of the present revision, in short, are that the son of the applicants, namely, Anand Lodhi met with a vehicular accident and lost his life. The present applicants filed a claim petition separately before MACT, Karera, District, Shivpuri, whereas the widow and children of late Anand Lodhi (daughter-in-law, and grandchildren of the applicants) along with applicants, filed another claim petition before MACT, Gwalior. In a claim petition which was filed by the applicants, daughter-in-law and her children were made respondents and they were not impleaded as co-claimants. It appears that the applicants filed an application under Section 10 of CPC for stay of further proceedings of the claim petition filed by her daughter-in-law and grandchildren in which the applicants were also projected as co-claimants. However, the claim petition filed by the applicants before MACT, Karera, District, Shivpuri, is prior in time, but the Claims Tribunal by impugned award has rejected the application filed by the applicants under Section 10 of CPC and accordingly fixed the case for recording of evidence

of the claimants.

Challenging the order passed by the Court below, it is fairly admitted by counsel for the applicants that for the same vehicular accident in which late Anand Lodhi lost his life, the applicants have filed a claim petition before a competent court at Karera, District Shivpur, whereas the daughter-in-law as well as the grandchildren of the applicants have filed different claim petition before MACT, Gwalior and it was fairly conceded that even the applicants were made co-applicants in a claim petition filed by her daughter-in-law as well as the grandchildren.

The only contention of the applicants is that since the claim petition filed by the applicants is prior in time, therefore the claim petition filed by the daughter-in-law as well as grandchildren should be stayed till final disposal of the claim petition filed by the applicants.

Considered the submissions made by counsel for the applicants.

This court has failed to understand the real cause of fight between the applicants and their daughter-in-law and grandchildren. Whether the applicants are entitled for compensation or not is a different question but undisputedly, the widow and the children of the deceased Anand Lodhi, who lost his life in a vehicular accident are entitled for compensation. Two claim petitions before two different Tribunals arising out of the same vehicular accident seeking compensation on account of the death of same person may create a very typical position. It is really unfortunate that when the daughter- in-law and grandchildren are also entitled for compensation on account of death their husband/father but still the applicants filed a claim petition by making them as a respondents whereas the daughter-in-law and grandchildren of the applicants filed a claim petition by impleading the applicants as co-applicants.

Be that whatever it may be.

Since two different claim petitions in respect of the death of a same person in the same vehicular accident may result in conflict in judgment (the quantum of compensation may vary), therefore, it is in fitness of things that both the cases should be tried at the same place and by the same Tribunal.

The Motor Accident Claims Tribunal, Gwalior did not commit any mistake by rejecting the application filed under Section 10 of CPC but in order to avoid any conflict in judgment, this Court in exercise of suo motu power under Section 115 CPC is inclined to transfer the claim petition filed by applicants which is pending before the Court of Sixth Additional District and Session Judge, Karera, District Shivpuri to the Court of 21st, Motor Accident Claims Tribunal, Gwalior.

Accordingly, MACC No. 89/2024 filed by applicants which is pending before the court of Sixth Additional District and Sessions Judge, Karera, District Shivpuri is also transferred to 21st, Motor Accident Claims Tribunal Gwalior.

The Trial Court is directed to immediately transfer the entire record to the Court of 21st Motor Accident Claims Tribunal, Gwalior. Since the applicants are also co-applicants in the claim petition filed by their daughter- in-law and grandchildren, therefore, the applicants will have a choice to either file an application for their transposition as respondents or they may continue as co-applicants in the claim petition filed by their daughter-in-law and grandchildren or they may seek deletion of their name, thereby, giving up their claim in the compensation on account of death of their son.

With aforesaid observations, this Civil Revision is disposed of.