

(2018) 05 CHH CK 0114
In the Chhattisgarh High Court
Case No : Transfer Petition (Civil) No.73 of 2017

Rajendra Kumar Maheshwari	Vs	APPELLANT
Smt. Bharti Maheshwari		RESPONDENT

Date of Decision : 02-05-2018

Acts Referred:

Civil Procedure Code 1908 — Section 24

Citation : (2018) 05 CHH CK 0114

Hon'ble Judges : ARVIND SINGH CHANDEL, J

Bench : Single Bench

Advocate : P.R. Patankar, Sunil Sahu

Final Decision : Allowed

Judgement

1. This transfer petition has been preferred under Section 24 of the Code of Civil Procedure for transfer of Claim Case No.433 of 2017 pending

before the 6th Additional Motor Accidents Claims Tribunal, Raipur to the Motor Accidents Claims Tribunal, Dhamtari.

2. Shri P.R. Patankar, Learned Counsel appearing for the Applicant submits that the Applicant is the father of Late Shri Aditya Maheshwari, who

died in a road accident on 28.3.2017. On account of death of Aditya Maheshwari, the Applicant along with his children filed a claim case before the

Motor Accidents Claims Tribunal, Dhamtari, which has been registered as Claim Case No.87 of 2017. Notices have been issued to the Respondents

in the said claim case. Respondent Ful Singh (Respondent No.2 herein) is the driver of the offending vehicle, Respondent Shrawan Rajput

(Respondent No.3 herein) is the owner of the offending vehicle and Respondent Insurance Company (Respondent No.4 herein) is the insurer of the

offending vehicle. He further submits that thereafter Respondent No.1 herein has

subsequently filed a claim case, being Claim Case No.433 of 2017

before the 6th Additional Motor Accidents Claims Tribunal, Raipur claiming herself to be the wife of late Aditya Maheshwari and the Applicant herein

has been impleaded as Respondent No.4 in the said claim case. He further submits that since both the claim cases arise out of the same accident

resulting the death of Aditya Maheshwari and first the Applicant herein and his children have filed the claim case before the Motor Accidents Claims

Tribunal, Dhamtari and subsequently Respondent No.1 herein filed the claim case before the 6th Additional Motor Accidents Claims Tribunal, Raipur,

it would be appropriate that both the claim cases be heard and disposed of by one Motor Accidents Claims Tribunal. Since the Applicant herein and

his children have filed their claim case before filing of the claim case by Respondent No.1 herein, the claim case of Respondent No.1 pending before

the 6th Additional Motor Accidents Claims Tribunal, Raipur be transferred to the Motor Accidents Claims Tribunal, Dhamtari.

3. Shri Sunil Sahu, Learned Counsel appearing for Respondent No.1 opposes the prayer made on behalf of the Applicant.

4. I have heard Learned Counsel appearing for the Applicant and Learned Counsel appearing for Respondent No.1 and perused the material available with due care.

5. Considering the facts and circumstances of the case as also that both the claim cases have arisen out of the same cause of action and they relate to

the death of Aditya Maheshwari and that first the Applicant and their children filed the claim case before the Motor Accidents Claims Tribunal,

Dhamtari, I allow the instant transfer petition. Claim Case No.433 of 2017 pending before the 6th Additional Motor Accidents Claims Tribunal, Raipur

is transferred to the Motor Accidents Claims Tribunal, Dhamtari for its hearing and disposal along with Claim Case No.87 of 2017 by the concerned

Claims Tribunal, Dhamtari. The parties shall now appear before the Motor Accidents Claims Tribunal, Dhamtari on 22.6.2018.

6. Records of the concerned Claims Tribunals Raipur and Dhamtari be sent back along with a copy of this order forthwith for information and necessary compliance.