

ORDERS

The Respondent No.2 filed memo and produced copy of order sheet in M.V.C.No.1151/2018 wherein the petition filed by the present petitioner was dismissed by the Tribunal for non prosecution. Again the present application was filed by the petitioner seeking compensation. The respondent No.2 prays the court to dismiss the petition on the ground that the present petition is not maintainable.

The petitioner filed objections.

The earlier petition filed by the petitioner was not adjudicated on merits. It was dismissed for non prosecution. Hence, the claim application filed afresh is maintainable. The Hon'ble **High Court of Chathisgarh in M.A.No.641/2001 in between Rajesh Vs. Goparam reported in 2012 ACJ 1773** held that the 2nd petition filed by the petitioner is maintainable, if the 1st petition is dismissed for non prosecution. Hence, by applying the said ratio, the present petition is maintainable. Accordingly, I proceed to pass the following:

ORDER

The memo filed by the respondent No.2 is hereby dismissed.

It is held that the petition is maintainable.

Pr1.Sr. C.J. & CJM, Udupi

For petitioner evidence by 22.04.2026.

