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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 766 of 2024

- Smt. Santoshi Bai W/o Jaitram Kenwat Aged About 47 Years R/o Village Dhangaon Tahsil Ajgarbahar, District Korba (C.G.)
--- Appellant(s)

versus

1. Amit Kumar Kanwar S/o Aanand Ram Kanwar R/o Quarter No. S.F./671, C.S.E.B. Colony, Korba, Tahsil And District Korba (C.G.)
2. Branch Manager National Insurance Company Limited, Branch Office Kosabadi Main Road, Niharika, Korba, District Korba (C.G.)
--- Respondent(s)

MAC No. 736 of 2024

- Smt. Ratan Bai W/o Kanchan Ram Manjhwari, Aged About 46 Years R/o Village-Dhangaon, Tahsil- Ajgarbahar, District -Korba (C.G.) ----
(Applicant)
---Appellant(s)

Versus

1. Amit Kumar Kanwar S/o Anand Ram Kanwar, R/o Quarter No. -S.F./671, C.S.E.B. Colony, Korba, Tahsil And District-Korba (C.G.) ----
(Non-Applicants)
2. Branch Manager, National Insurance Company Limited, Branch Office-Kosabadi Main Road, Niharika, Korba, District-Korba (C.G.) --- (Non-Applicant)
--- Respondent(s)

MAC No. 805 of 2024

- Smt. Fulbatiya Bai W/o Anturam, Aged About 45 Years R/o Dhangaon, Tahsil - Ajgarbahar, District- Korba (C.G.) ----(Applicant)
---Appellant(s)

Versus

1. Amit Kumar Kanwar S/o Anand Ram Kanwar, R/o Quarter No. S.F./671, C.S.E.B. Colony, Korba, Tahsil And District- Korba (C.G.) ----(Non-Applicant)
2. Branch Manager, National Insurance Company Limited, Branch Office- Kosabadi Main Road, Niharika,- Korba, District Korba (C.G.)

--- Respondent(s)

MAC No. 765 of 2024

- Smt. Bihanin Bai W/o Jethu Singh Aged About 50 Years Kanwar, R/o Village Dhangaon, Tahsil Ajgarbahar, District Korba Chhattisgarh.

---Appellant(s)

Versus

1. Amit Kumar Kanwar S/o Anand Ram Kanwar, R/o Quarter No. S.F./671, C.S.E.B. Colony, Korba, Tahsil And, District : Korba, Chhattisgarh
2. Branch Manager, National Insurance Company Limited, Branch Office Kosabadi Main Road, Niharika, Korba District Korba Chhattisgarh.

--- Respondent(s)

For Appellants	:	Mr. Anand Kesharwani, Advocate
For Respondent No. 1	:	Mr. Shyamta Prasad Sannat, Advocate
<u>MAC No. 765 of 2024</u>		
<u>MAC No. 805 of 2024</u>		

For Respondent No. 2	:	Mr. Anil Gulati, Advocate
(in all appeals)		

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

15.09.2025

- 1) Heard on I.A. No. 01, applications under Section 5 of Limitation Act.
- 2) Learned counsel for the appellants submits that there is 19 days delay in MAC No. 766 of 2024 and 29 days delay in other appeals. He would pray to condone the delay.
- 3) On due consideration, applications for condonation of delay are hereby allowed. The delay caused in filing these appeal are hereby condoned.
- 4) Heard on admission.

- 5) The appellants/claimants have filed these appeal under Section 173 of Motor Vehicles Act, challenging the orders passed by learned 1st Additional Motor Accident Claims Tribunal, Korba in following claim cases :-

Sr. No.	Miscellaneous Appeal (Claims)	Claim Cases	Award date
1.	MAC No. 766 of 2024	MACT No. 73/2023	04.12.2023
2.	MAC No. 736 of 2024	MACT No. 72/2023	04.12.2023
3.	MAC No. 765 of 2024	MACT No. 71/2023	04.12.2023
4.	MAC No. 805 of 2024	MACT No. 74/2023	04.12.2023

- 6) Mr. Kesharwani would submit that the claim cases filed by the appellants/claimants were dismissed by the learned Claims Tribunal only on the ground that the appellants failed to provide relevant documents which were placed on record, to the Insurance company, Driver and Owner.

- 7) Mr. Anil Gulati and Mr. Shyamta Prasad Sannat, Advocates appearing for respondents would oppose. They would submit that despite repeated opportunities, the appellants failed to supply relevant documents to the opposing party, therefore, the learned Tribunal rightly dismissed the claim cases.

- 8) Heard.

- 9) *The Hon'ble Supreme Court in the matter of **Sangram Singh Versus Election Tribunal, Kotah** reported in **AIR 1955 SC 425** held that "it is "procedure", something designed to facilitate justice and further its ends: not a penal enactment for punishment and penalties; not a thing designed to trip people up. Too technical a construction of sections that*

leaves no room for reasonable elasticity of interpretation should therefore be guarded against.”

10) *The Hon’ble Supreme Court in the matter of **Sushil Kumar Sen Versus State of Bihar** reported in **1975 (1) SCC 774** has held that “morality of justice at the hands of law troubles a judge’s conscience and points an angry interrogation at the law reformer. The processual law so dominates in certain systems as to overpower substantive rights and substantial justice. The humanist rule that procedure should be the handmaid, not the mistress, of legal justice compels consideration of vesting a residuary power in judges to act *ex debito justitiae* where the tragic sequel otherwise would be wholly inequitable.”*

11) *The Hon’ble Supreme Court in the matter of **State of Punjab Versus Shamlal Murari** reported in **1976 (1) SCC 719** held that “processual law is not to be a tyrant but a servant, not an obstruction but an aid to justice. Procedural prescriptions are the handmaid and not the mistress, a lubricant, not a resistant in the administration of justice.”*

12) Taking into consideration the facts of these cases, reasons assigned by the learned Tribunal and the law laid down by the Hon’ble Supreme Court, the orders passed by the learned Tribunal dated 04.12.2023 of all four claim cases are hereby set-aside.

13) Accordingly, these petitions are hereby **allowed**. These matters are remitted back to the concerned Tribunal to decide the cases on merits.

Sd/-
(Rakesh Mohan Pandey)
Judge