



2025:CGHC:38349

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1077 of 2019

1 - Chandar Ram Rajwade S/o Late Rambharosh Rajwade Aged About 40 Years

2 - Smt. Urmila Rajwade W/o Chandar Ram Rajwade Aged About 38 Years

Both R/o Village - School Para Latori, Post - Jangala, Police Station And Tahsil - Lakhanpur, District (Revenue And Civil) Surguja Chhattisgarh.

--- Appellant (s)

versus

1 - Khelsai S/o Chandarlal Aged About 33 Years Caste - Bijhiya R/o Kedarpur, Jarhapara, Police Station And Tahsil - Premnagar, District Surajpur Chhattisgarh. (Driver Of The Vehicle), District : Surajpur, Chhattisgarh

2 - Kusum Devi Agrawal W/o Dinesh Kumar Agrawal Aged About 40 Years R/o Agrawalpara, Main Road, Juna Lakhanpur, Police Station And Tahsil - Lakhanpur, District Surguja Chhattisgarh. (Driver Of The Vehicle), District : Surguja (Ambikapur), Chhattisgarh

3 - The United India Insurance Company Limited Through Branch Manager, Bramhroad, Near Kumkum Hotel, Ambikapur, District Surguja Chhattisgarh. (Insurer Of The Vehicle)

--- Respondent(s)

For Appellant (s)	:	Mr. S.D. Singh, Advocate
For Resp. No. 2	:	Ms. Mamta Mahilange, Advocate on behalf of Mr. Anshul R. Shrivastava, Advocate
For Resp No. 3	:	Mr. Akash Shrivastava, Advocate on behalf of Mr. R.N. Pusty, Advocate

**MAC No. 1132 of 2019**

1 - Vijay Rajwade S/o Late Sukhram Rajwade Aged About 45 Years Caste - Rajwar, Occupation - Dependent

2 - Smt. Budhiyaro W/o Vijay Rajwade Aged About 43 Years Caste - Rajwar, Occupation – House Wife

Both R/o Village - Bharatpur, Post, Police Station And Tahsil Lakhanpur, District (Revenue And Civil) Surguja Chhattisgarh

---Appellant (s)

Versus

1 - Khelsai S/o Chandarlal Aged About 33 Years Caste - Bijhiya, R/o Kedarpur, Jarhapara, Police Station And Tahsil - Premnagar, District Surajpur Chhattisgarh. (Driver Of The Vehicle)

2 - Kusum Devi Agrawal W/o Dinesh Kumar Agrawal Aged About 40 Years R/o Agrawalpara, Police Station And Tahsil - Lakhanpur, District Surguja Chhattisgarh. (Driver Of The Vehicle)

3 - The United India Insurance Company Limited Through Branch Manager, Bramhroad, Near Kumkum Hotel, Ambikapur, District Surguja Chhattisgarh. (Insurer Of The Vehicle)

--- Respondent(s)

For Appellant (s) : Mr. S.D. Singh, Advocate

For Resp. No. 1 & 2 : Ms. Mamta Mahilange, Advocate on behalf of Mr. Anshul R. Shrivastava, Advocate

For Resp No. 3 : Mr. Akash Shrivastava, Advocate on behalf of Mr. R.N. Pusty, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Judgment On Board

04/08/2025

1. After arguing for some time, learned counsel for the appellants submits that according to statement of Khelsai recorded by the police, it has come that he was the driver of offending vehicle, however, when he proceeded on leave for 15 days, owner of offending vehicle engaged



deceased Madan Ram Rajwade as driver and Lallan Ram Rajwade as Cleaner of the offending truck. The accident occurred in the course of employment and therefore in the facts of case he may be permitted to withdraw these appeals with liberty to file appropriate application under the Employee's Compensation Act, 1923.

2. Learned counsel for the respective respondents submit that as learned counsel for the appellants is not pressing this appeal on merits and seeking permission of this Court to withdraw these appeals with liberty to avail other alternative remedy available to claimants, they are having no objection.
3. In view of submission made by learned counsel for the appellants and looking to the facts and circumstances of the case, both the appeals are dismissed as withdrawn with liberty as prayed for.

Sd/-
(Parth Prateem Sahu)
Judge