



2026:CGHC:17773

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 90 of 2019

Future Generali India Insurance Company Limited **Versus** Smt. Vimla Bai Sahu

25.07.2019	Shri Sourabh Sharma, counsel for the Appellant. None for Respondents No. 1 to 6/Claimants, though served. Notice issued to Respondent No. 7 is still awaited, while Respondent No. 8 is reported to be unserved. Shri Sharma, counsel for the Appellant submits that the main contesting parties i.e. Respondents No. 1 to 6/Claimants have already been served with regard to the application for condonation of delay therefore, the said application i.e, I.A. No. 1/2018, may be heard as the claimants have already initiated the execution proceeding. Heard on the said application (I.A. No. 1/2018) for condonation of delay of 152 days in filing this appeal. On due consideration and for the reasons assigned therein, I am inclined to allow the same. The application is allowed and delay is accordingly condoned. I.A. No. 1/2018 stands disposed of. Also heard on I.A. No. 3/2018, an application for exemption from filing certified copy of order passed under Section 170 of Motor Vehicle Act, 1988. On due consideration and in view of the principles laid down in the matter of <i>United India Insurance Co. Ltd. Vs. Shila Dutta</i> reported in 2011 ACJ 2729 (SC) followed in 2014 ACT 2396 in the matter of <i>Bajaj Allianz General Insurance Co. Ltd. Vs. Kamla Sen and others</i>, I am inclined to allow the same and the appellant is exempted from filing the certified copy of the order passed under Section 170 of the Motor Vehicles Act, 1988. I.A. No.3/2018 stands disposed of. Heard on admission. Admit. Issue notice to the Respondents on payment of P.F., as per rules. Also heard on I.A. No. 2/2018, an application for grant of stay. Issue notice on this application to the Respondents also, as above.



Meanwhile, purely as an interim measure, It is directed that the effect and operation of the impugned award dated 05.05.2018 passed by the Motor Accident Claims Tribunal, District Balodabazar in Claim Case No. 59 of 2017 shall remain stayed, till the next date of hearing subject to appellant's depositing a sum of Rs. 7,80,000/-(Seven Lakhs Eighty Thousand Only) of the award under appeal within a period of one month from today before the concerned Executing Court.

The Respondents No. 1 to 6/Claimants shall be entitled to withdraw the same without furnishing any kind of security before the concerned Executing Court.

It is made clear that if any of the conditions is violated, then this order shall lose its efficacy and the award impugned shall become executable forthwith.

Post this matter after 5 weeks.

Sd/-
(Sanjay Agrawal)
JUDGE