

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 174 of 2020

- H.D.F.C. General Insurance Co. Ltd. Through Divisional Manager, Second Floor, Pujari Complex, Pachpedi Naka, Raipur Chhattisgarh. At Present Devendra Nagar, Road, Raipur Chhattisgarh. (Insurer Of Vehicle No. Cg-10-R-0751)

---- **Appellant****Versus**

1. Kishan Lal Yadav S/o Dayaram Yadav Aged About 54 Years R/o Police Line Wireless Colony, Qtr. No. G4/16, Thana Tikrapara, Tahsil Raipur, District Raipur Chhattisgarh. (Claimant)
2. Dashrath Nayak S/o Shri Lalu Nayak Aged About 35 Years R/o Village Haisal Piska Mod, Thana Sukdev Nagar, Ranchi Tahsil Ranchi District Ranchi (Jharkhand) (Driver Of Vehicle No. Cg-10-R-0751).
3. Gurmit Singh S/o Shri Avtar Singh R/o Shri Surajdev Chaudhary Transport Nagar, Jarhabhatha, Tahsil Bilaspur District Bilaspur Chhattisgarh. (Owner Of Vehicle No. Cg-10-R-0751).

---- **Respondents**

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07.12.2021	<p>Shri Rohitashva Singh, counsel for the Appellant.</p> <p>None for Respondent No.1/Claimant, though served.</p> <p>Heard on I.A. No.01/2020, an application for condonation of delay of 32 days in filing this appeal.</p> <p>On due consideration and for the reasons assigned therein, which is duly supported by an affidavit, I am inclined to allow the same.</p> <p>The said application is accordingly allowed and delay in filing this appeal is hereby condoned.</p> <p>I.A. No.01/2020, thus, stands disposed of.</p> <p>Also heard on I. A. No.3/2020, an application seeking exemption from filing the certified copy of the order passed under Section 170 of the Motor Vehicles</p>

Act, 1988 (for short 'the Act of 1988').

On due consideration and in view of the reasons assigned therein, I am inclined to allow the same.

The said application is accordingly allowed and the Appellant is hereby exempted from filing the certified copy of the order passed under Section 170 of Act of 1988.

I.A. No.03/2020, thus, stands disposed of.

Also heard on admission.

Admit.

Issue notice to the Respondents on payment of P.F., as per rules.

Also heard on I.A. No.02/2020, an application for grant of interim relief.

Issue notice on this application also to the Respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 03.09.2019 passed by First Additional Motor Accident Claims Tribunal, Raipur(C.G.) in Claim Case No.825/2015 shall remain stayed till the next date of hearing, subject to Appellant's depositing 75% of the award under appeal before the concerned executing Court within a period of 45 days from today.

The Claimant/Respondent No. 1 shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned.

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

Post this matter after five weeks for consideration on I.A. No.02/2020.

Sd/-

(Sanjay S. Agrawal)
Judge