

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 1489 of 2016

- United India Insurance Company Limited Through Its Divisional Manager, Divisional Office-2nd Floor, Guru Kripa Towers, Vyapar Vihar Road, Bilaspur, Distt. Bilaspur, ChhattisgarhNon-Applicant No.3,

---- Petitioner

Versus

1. Smt. Nirmala Sharma Wd/o Late Purushottam Sharma, Aged About 47 Years R/o Yadunandan Nagar Tifra, Tah. And Distt. Bilaspur, ChhattisgarhApplicant No.1,
2. Arvind Sharma S/o Late Purushottam Sharma, Aged About 25 Years R/o Yadunandan Nagar Tifra, Tah. And Distt. Bilaspur, ChhattisgarhApplicant No.2,
3. Yatnadeep Sharma S/o Late Purushottam Sharma, Aged About 20 Years R/o Yadunandan Nagar Tifra, Tah. And Distt. Bilaspur, ChhattisgarhApplicant No.3,
4. Romharsh Sharma S/o Late Purushottam Sharma, Aged About 18 Years R/o Yadunandan Nagar Tifra, Tah. And Distt. Bilaspur, ChhattisgarhApplicant No.4,
5. Dinesh Wankhede S/o Ramesh Rao Wankhede, Aged About 23 Years R/o Police Line Bilaspur, Tah. And Distt. Bilaspur, ChhattisgarhNon-Applicant No.1
6. Pushkar Prasad Pandey S/o Hardatt Prasad Pandey, R/o Rajendra Nagar Bilaspur, Tah. And Distt. Bilaspur, ChhattisgarhNon-Applicant No.2,

---- Respondents

16.12.2021	Shri Dashrath Gupta, counsel for the Appellant. Shri Sunil Sahu, counsel for Respondents No.1 to 4. The service of notice upon Respondent No.5 has already been dispensed with vide order dated 18.11.2019. The legal representatives of deceased Respondent No.6, i.e., Respondent No.6A and 6B are reported to be unserved.

Heard on I.A. No.02/2016, an application for grant of stay.

On due consideration, the said application is allowed and it is directed that the effect and operation of the impugned award dated 30.06.2016 passed by First Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.09/2013 shall remain stayed until further orders, subject to Appellant's depositing 50% of the award under appeal before the concerned executing Court within a period of one month from today.

The Claimant/Respondent No. 1 (Smt. Nirmala Sharma) 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.

I.A. No.02/2016, thus, stands disposed of.

Let fresh notice be issued on I.A. No.04/2019, an application seeking substitution of legal representatives of deceased Respondent No.6-Pushkar Prasad Pandey, to the legal representatives of the said deceased Respondent on payment of P.F., as per rules.

Post this matter after five weeks along with MAC/1229/2016.

Sd/-

(Sanjay S. Agrawal)
Judge