

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 153 of 2020

- Shriram General Insurance Company Limited, E-8, Rico Industrial Area, Sonapura, Jaipur (Rajasthan), (Non-Applicant No.3)

---- Appellant

Versus

1. Dhaniram Nagwanshi, S/o Late Limbia Ji Nagwanshi, Aged About 60 Years, R/o New Krishna Nagar, Supela, Bhilai, District Durg Chhattisgarh. (Claimant),
2. Rikhiram Nishad, S/o Shri Kunjram, Aged About 25 Years, R/o Village Birejhar Bhata, Police Station Pulgaon, District Durg Chhattisgarh. (Driver),
3. Harminder Singh Saini S/o Baldev Singh Saini, R/o 91-A, Pole No. R.N. 11-17, Radhika Nagar, Supela, Bhilai, District Durg Chhattisgarh. (Owner),

---- Respondents

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27.01.2020	Shri Utsav Mahiswar, counsel for the appellant. Heard on I.A.No. 02/2020, an application for exemption from filing certified copy of the order passed under Section 170 of the Motor Vehicles Act, 1988. On due consideration and for the reasons assigned therein, I am inclined to allow the same. I.A.No.02/2020 is allowed and the appellant is accordingly exempted from filing the certified copy passed under the said provision. I.A.No.02/2020, thus, stands disposed of. Also heard on admission. Admit. Issue notice to respondents, on payment of P.F. as per rules. Also Heard on I.A.No.01/2020, an application for grant of stay. Let notice be issued 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 22.10.2019 passed by 1st Additional Motor Accident Claims Tribunal, Durg, in Claim Case No.101/2014 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 2 months from today.

Respondent No.1/Claimant shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned, without furnishing any kind of security before the said 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.

Call for the record of the Claims Tribunal and post this matter after 5 weeks for consideration on I.A.No.01/2020.

Sd/-

(Sanjay S. Agrawal)
Judge