

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.255 of 2020

The Oriental Insurance Company Ltd., Branch Office Satish Complex, Ground Floor, Behind SBI, Opposite Govind Das College, Surathkala, Bangalore, Karnataka, Through Its in-charge, T.P. Hub, T.P. Hub Office, Oriental Insurance Co., Rama Trade Centre, 1st Floor, Opp. Rajiv Plaza, Near Bus Stand, Bilaspur, Chhattisgarh (Respondent No.3).

---- Appellant**Versus**

1. Samsuddin, S/o Kabaddin Khan, Aged About 67 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).
2. Abda Khatun, W/o Samsuddin, Aged About 57 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).
3. Mona Khan, W/o Mohammed Azad, Aged About 30 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).
4. Misha Khan, D/o Mohammad Azad, Aged About 5 Years, Minor and they are represented through their Mother Mona Khan, W/o Mohammad Azad, Aged 30 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).
5. Aahil Khan, S/o Mohammed Azad, Aged About 1 Years, Minor and they are represented through their Mother Mona Khan, W/o Mohammad Azad, Aged 30 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).

6. Farheen Naaz, D/o Samsuddin, Aged About 20 Years, Caste Musalman, R/o H No.185, Ward No.19, Awaraduggu, Kunj Nagar, Post Bishrampur, Police Station Bishrampur, Tahsil Surajpur, District Surajpur, Chhattisgarh (Claimant).
7. Commissioner Municipal Corporation, Raipur, District Raipur, Chhattisgarh (Owner).
8. Pargat Singh, S/o Lakhwinder Singh, Aged About 30 Years, R/o Tarli, Police Station Bhairawal, District Amritsar, Presently R/o Opposite Hirapur Sarkari School, Police Station Amanaka, Raipur, Chhattisgarh (Driver).

---- Respondents

04.02.2020	Shri R. N. Pusty, counsel for the Appellant. Heard on admission. Admit. Issue notice to the Respondents on payment of P. F. as per Rules. Heard on I.A. No.1/2020, an application for grant of stay. Issue notice on this application also, as above. Meanwhile, purely as an interim measures, it is directed that the effect and operation of the award impugned dated 15.10.2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur (C.G.) in Claim Case No.122/2017, 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 Respondent Nos.1 to 6/Claimants shall be entitled to withdraw the same, as per the terms and conditions mentioned in the award impugned, subject to furnishing requisite security to the

satisfaction of the concerned Tribunal.

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.

Call for the records of the Court below.

Post this matter after five weeks for consideration on I.A. No.1/2020.

Sd/-
(Sanjay S. Agrawal)
Judge