

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

MAC No. 238 of 2020

- The New India Assurance Company Limited, Through Its Divisional Manager, Divisional - Office - 2, Bajrang Market, G. E. Road, Raipur, District - Raipur Chhattisgarh. (Non - Applicant No. 2),

---- Appellant

Versus

1. Chandra Shekhar Roy S/o Chandradeep Roy, Aged About 29 Years Occupation - Truck Driver, R/o Village - Jora, Post Office - Krishak Nagar, Police Station - Telibandha, Tahsil And District - Raipur Chhattisgarh. (Applicant),
2. Raj Bahadur Pal, S/o Satya Narayan Pal Aged About 48 Years R/o Kumar Road Carriers, Prem Ganga Complex, Chhokra Nala, Raipur, Tahsil And District - Raipur Chhattisgarh. (Owner) (Non - Applicant No. 1),

---- Respondents

4	(through video conference)
09.07.2020	Shri Dashrath Gupta, counsel for the appellant. Shri Akhilesh Mishra, counsel for the respondent No.1/Caveator. Heard on I.A.No.01, an application for condonation of delay of 21 days in filing the present appeal. No reply has been filed with regard to the said application. On due consideration and for the reasons assigned therein, I am inclined to allow the same. Accordingly, I.A.No.01 is allowed and the delay of 21 days in filing the appeal is condoned. I.A.No.01 thus stands disposed of. Heard on admission. Admit.



Issue notice to respondent No.2 only, on payment of P.F. as per rules.

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

On due consideration, the application is allowed and it is directed that the effect and operation of the impugned award dated 17.09.2019 passed in Claim Petition No. 103/2006 by the VII Motor Accident Claims Tribunal, Raipur, shall remain stayed, in so far as the present appellant is concerned, until further orders, subject to appellant's depositing 75% of the award under appeal before the concerned Executing Court/Tribunal, 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.

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

I.A.No.02/2020 stands disposed of.

Post this matter after 5 weeks for further orders, along with MAC No.2175/2018, while publishing the name of counsel for respondent No.1/caveator as Akhilesh Mishra in the cause list.

Sd/-

(Sanjay S. Agrawal)
Judge