

**HIGH COURT OF CHHATTISGARH, BILASPUR****Order Sheet****Misc. Appeal (C)No.1034 of 2016**

- The Oriental Insurance Company Ltd. Branch Office Shop No. 11, Mandi Complex Kanker, Tahsil & District- Kanker (Chhattisgarh),.....(Insurer)

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

1. Smt. Duleshiya Bai W/o Renu Nayak, Aged About 35 Years Caste- Halba, R/o- Village- Chandeli, Tahsil- Charama, District- Kanker, (Chhattisgarh)
2. Pawan Kumar, S/o Late Renu Nayak, Aged About 16 Years Caste- Halba, Through Natural Guardian Mother Smt. Duleshiya Bai, R/o- Village- Chandeli, Tahsil- Charama, District- Kanker, (Chhattisgarh)
3. Ku. Lokeshwari, D/o Late Renu Nayak, Aged About 14 Years Caste- Halba, Through Natural Guardian Mother Smt. Duleshiya Bai, R/o- Village- Chandeli, Tahsil- Charama, District- Kanker, (Chhattisgarh)
4. Ku. Chandrika, D/o Late Renu Nayak, Aged About 12 Years Caste- Halba, Through Natural Guardian Mother Smt. Duleshiya Bai, R/o- Village- Chandeli, Tahsil- Charama, District- Kanker, (Chhattisgarh)
5. Smt. Ramsheel Bai, W/o Late Halalkhor, Aged About 65 Years Caste- Halba, R/o- Village- Chandeli, Tahsil- Charama, District- Kanker, (Chhattisgarh),.....(Claimants)
6. Bhikam Netam, S/o Faguwaram, Aged About 25 Years R/o- Village- Potgaon, P.S.- Korar, District- Kanker, (Chhattisgarh),.....(Driver/owner)

**---- Respondents**

02.11.2016	Shri Raj Awasthi, counsel for the appellant. None for the respondents, though served as per Office note dated 26.10.2016. Heard on admission. The appeal has been preferred within its limitation.	
------------	---	--



The appeal is admitted for consideration.

Record of the Court below be requisitioned through usual and fax mode.

Also heard on IA No.01, application for grant of stay.

Learned counsel for the appellant submits that stand of the appellant before the concerned Tribunal was that the vehicle in question was insured with coverage of third party liability for the occupants for a limited amount of Rupees one lakh only and also there was a breach of condition of the policy as the said vehicle was being used for commercial purpose i.e. rent. With this, the Court below erred in holding that the appellant is liable for the entire award amount of Rs.12 lakhs. He further prayed that the appellant is ready to deposit to the extent for a coverage of said insurance policy. Hence, stay in the execution proceedings may suitably be considered.

Perused the impugned award and the annexure A/2, copy of the insurance policy.

Without commenting anything on its merits, IA No.01/16 is allowed. It is directed that if the appellant deposits Rs. One lakh within 45 days from today before the Executing Court, the remaining part of the execution of the amount awarded shall remain stayed until further orders. The amount so deposited may be disbursed to the claimants upon such terms and conditions as the Tribunal deemed it fit and after taking surety for the same. If the appellant fails to deposit the amount so ordered by this Court within the stipulated time, the executing Court is at liberty to execute the entire amount.

The parties may file a copy of this Order before the executing Court for compliance.



2025:CGHC:16804

The Registrar (Judl.) is also directed to send a copy of this order to the concerned Tribunal for compliance through usual and fax mode.

List the matter for final hearing in due course.

Sd/-

**(Chandra Bhushan Bajpai)**

Judge