

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.277 of 2020

Cholamandlam, MS General Insurance Company Ltd., Through Branch Manager, Cholamandlam MS General Insurance Company Ltd., Shop No. G-1/12, Zone-1 Vyapar Vihar Road Bilaspur, Tehsil & District Bilaspur, Chhattisgarh, Regional Office, Cholamandlam MS General Insurance Company, 2nd Floor Simaran Tower, in front of LIC Building, Pandri, Raipur, Chhattisgarh (Insurer).

---- Appellant**Versus**

1. Smt. Bharti Bai Sahu, W/o Late Suraj Sahu, Aged About 21 Years, R/o of Village Gujera, Tehsil Navagarh, District Bemetara Chhattisgarh, presently R/o of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil & District Bilaspur, Chhattisgarh (Claimant).
2. Ku. Shoumya Sahu, D/o Late Suraj Sahu, Aged About 9 Years, Minor Through Mother Smt. Bharti Bhai Sahu, R/o of Village Gujera, Tehsil Navagarh, District Bemetara Chhattisgarh, presently R/o of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil & District Bilaspur, Chhattisgarh (Claimant).
3. Netram Sahu, S/o Ramavatar Sahu, Aged About 41 Years, R/o of Village Gujera, Tehsil Navagarh, District Bemetara Chhattisgarh, presently R/o of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil & District Bilaspur, Chhattisgarh (Claimant).
4. Smt. Savitri Bai Sahu, W/o Netram Sahu, R/o of Village Gujera, Tehsil Navagarh, District Bemetara Chhattisgarh, presently R/o of Tarbahar, Near Water Tank, Police Station Tarbahar, Tehsil & District Bilaspur, Chhattisgarh (Claimant).
5. Itwari Lal Kurre, S/o Jethuram Kurre, Aged About 48 Years, R/o of Village Kotadabri, Tehsil Champa, District Janjgir-Champa, Chhattisgarh (Driver).
6. Shriram Construction Company, Office C-76, Shriram Construction Colony, in front of Jain International School Mungeli Road, Bilaspur, Tehsil & District Bilaspur, Chhattisgarh (Owner).

---- Respondents

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10.02.2020	Shri Abhishek Sinha, counsel for the Appellant. Shri Arjun Lal Singroul, counsel appearing on behalf of

Respondent No.1, 3 & 4/Claimants undertakes to file *Vakalatnama* on behalf of Respondent No.2, minor Ku. Shoumya.

Heard on I.A. No.1/2020, an application for exemption from filing the 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 and the Appellant is exempted from filing the certified copy of the order passed under Section 170 of the Motor Vehicles Act, 1988.

I.A. No.1/2020, thus, stands disposed of.

Heard on admission.

Admit.

Issue notice to the Respondent Nos.5 & 6 only on payment of P. F. as per Rules.

Heard on I.A. No.2/2020, 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 02.11.2019 passed by the 7th Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No.50/2019, shall remain stayed till the next date of hearing, subject to appellant's depositing a sum of Rs.13,00,000/- (Thirteen Lakhs Only) of the award under appeal before the concerned Executing Court within a period of 45 days from today.

The Respondent No.1 to 4/Claimants 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 concerned Executing Court.

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.

Post this matter after five weeks for consideration on I.A. No.2/2020.

Sd/-
(Sanjay S. Agrawal)
Judge