

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Misc. Appeal (C) No.1734 of 2016

- Shri Ram General Insurance Com Ltd. R/o Aajad Nagar, Near Kedia Petrol Pump Bilaspur Tahsil And District Bilaspur, Chhattisgarh(Insurer Of Truck C.G.10/ Z.B./2177)

---- Appellant

Versus

1. Abhilash Burman S/o Subhash Barman, Aged About 18 Years R/o Village Nipaniya P.S. Hirri Tahsil Bilha District Bilaspur, Chhattisgarh (Claimant)
2. Chhedilal Rajak S/o Mallu Rajak, Aged About 38 Years Occupation Driver, R/o Pendridih, Khergari Chowk, Amarkantak Road, P.S. Gaurela Distt. Bilaspur, Chhattisgarh(Driver Of Truck C.G.10/ Z.B./2177)
3. Sanjay Tekam S/o Rahulal Tekam, Aged About 25 Years R/o Pendra road (Pathera Chawk) P.S. Gaurela Distt. Bilaspur, Chhattisgarh(Owner Of Truck C.G.10/ Z.B./2177)

---- Respondents

14.02.2017	<p>Shri Deepak Gupta, counsel for the appellant.</p> <p>Shri Kamal Kishore Soni, Advocate on behalf of Shri Amit Kumar, counsel for respondent No.1.</p> <p>None for respondents 2 & 3 though represented.</p> <p>Heard on IA No.01/16 for condonation of delay in filing the appeal as the same has been filed after 62 days of its limitation.</p> <p>On due consideration of the reasons mentioned in the application and the arguments advanced, this Court is of the considered view that the appellant has satisfactorily explained the delay of 62 days in filing the appeal.</p> <p>Consequently, IA No.01/16 is hereby allowed and the delay in filing the appeal is hereby condoned.</p> <p>Also heard on admission.</p> <p>Admit.</p>	
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Record is available.

Also heard on IA No.02/16 for grant of stay.

It is submitted on behalf of the appellant that the ground taken on behalf of the appellant during trial was that the Tribunal awarded Rs.3,50,000/- towards other heads which is not permissible under the law. The appellant has a good case to argue, hence, the execution of the awarded amount may be stayed until disposal of the instant appeal.

Perused award dated 07.7.2016.

Without commenting anything on its merits, IA No.02/16 is hereby allowed. It is directed that if the appellant deposits Rs.7,00,000/- along with interest till date within 45 days from today, the remaining awarded amount shall remain stayed until further orders.

If the appellant fails to deposit the amount as directed, the Tribunal is at liberty to execute the entire awarded amount as per para 11 of the award.

The appellant may file a copy of the order before the concerned Tribunal for compliance.

Registrar (Judl.) is also directed to send a copy of order to the concerned Tribunal for compliance.

List this matter for final hearing in its due course.

Sd/-

(Chandra Bhushan Bajpai)

Judge