



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.435 of 2020

Branch Manager, H.D.F.C. Ergo General Insurance Company Ltd., 3rd Floor, Chawla Complex, Devendra Nagar Road, Sai Nagar, Raipur, Tehsil & District Raipur, Chhattisgarh, Pin No.492001 (Insurer of Vehicle No.UP-95-T-0020).

---- Appellant

Versus

1. Smt. Saraswati Yadav, W/o Late Vinod Yadav, Aged About 20 Years Approx., Profession Housewife, R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
2. Falu Yadav, S/o Dadul Yadav, Aged About 45 Years Approx., Profession Shepherd (Charwaha) R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
3. Smt. Nanki Bai, W/o Falu Yadav, Aged About 40 Years Approx., Profession Housewife, R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
4. Ku. Vidya Yadav, D/o Falu Yadav Aged About 18 Years Approx, Profession Study, Minor Representing Through Guardian Father Falu Yadav S/o Dadul Yadav, R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
5. Ku. Lakshmi Yadav, D/o Falu Yadav, Aged About 15 Years Approx, Profession Study, Minor Representing Through Guardian Father Falu Yadav S/o Dadul Yadav, R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
6. Kamlesh Yadav, S/o Falu Yadav, Aged About 23 Years Approx., Profession Labor, R/o Village Ghugharikala, Thana And Tehsil Kawardha, District Kabirdham Chhattisgarh (Claimant).
7. Ramlal Yadav, S/o Baburam Yadav, Aged About 33 Years Approx., Profession Driver, R/o Village Pratappur, Post Office Bilha, Thana Rajnagar, Tehsil Chhatarpur, District Chhatarpur (M.P.) (Driver of Vehicle No. UP-95-T-0020).
8. Santosh Kumar Rawat, S/o Babulal Rawat, Aged About 38 Years Profession Vehicle Owner, R/o Ward No.06, Rawat Mohalla Talab Gali, Mivari, Thana Gadhi, Malahara, District Chhatarpur (M.P.) (Owner of Vehicle No. UP-95-T-0020).

---- Respondents



03.03.2020	Shri Rohitashva Singh, counsel for the Appellant. Heard on I.A. No.2/2020, 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 same. I.A. No.2/2020, thus, stands disposed of. 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 measure, it is directed that the effect and operation of the award impugned dated 16.12.2019 passed by the Additional Motor Accident Claims Tribunal, Kabirdham (C.G.) in Claim Case No.40/2018, 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 & 6/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~~ ^{bench is} 13759
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