

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**MA(C) No.328 of 2023**

- Buddhasen Baiga, S/o Ramlal Baiga Aged About 33 Years R/o Devgarh, Tahsil Bharatpur, District Korea, Chhattisgarh.

**---- Appellant**

**Versus**

1. Shyam Bai, W/o Baisakhi, Ahirwar, Aged About 55 Years R/o Village Larkhoda, Tahsil Bharatpur, District Korea, Chhattisgarh.
2. Manager, National Insurance Company Limited, First Floor, Naveen Bazar Full Chowk, Raipur Chhattisgarh.

**---- Respondents**

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| 09/03/2023 | <p>Shri Ghanshyam Patel, Counsel for the appellant.</p> <p>Heard on admission.</p> <p>Issue notice on this to respondents.</p> <p>Respondent No.2 is represented by Shri R.N. Pusty, Counsel, thus, issuance of notice to respondent No.2 is not required.</p> <p>Learned counsel for the appellant is directed to supply the copy of memo of appeal to learned counsel for respondent No.2.</p> <p>Issue notice to respondent No.1 only.</p> <p>P.F. as per rules.</p> <p>Call for the record of the Court below.</p> <p>Also heard I.A. No.2, application for grant of stay.</p> <p>Learned Counsel for the appellant submits that on the date of accident, the driver of the offending vehicle was having learner's license and due to mistake of local counsel, the same was not produced before</p> |

the Trial Court. Thus, the liability was fastened upon the owner of the offending vehicle i.e. the appellant herein. Therefore, it is prayed that the effect and operation of the impugned award with regard to the recovery may be stayed till next date of hearing.

On due consideration and for the reasons mentioned above, it is directed that the effect and operation of the impugned award dated 12.01.2023 passed by First Additional Motor Accident Claim Tribunal Manendragarh, District – Korea, C.G., shall remain stayed till the next date of hearing.

List this case in the 1<sup>st</sup> week of April, 2023.

**Sd/-**  
**(Arvind Singh Chandel)**  
**Judge**