

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.824 of 2020

National Insurance Company Limited Through Branch Manager, Branch Office
Sirhasar Chowk, Above Allahabad Bank, Jagdalpur District Bastar (Chhattisgarh)
(Insurance Company) ----- **Appellant**

Versus

1. Lakhiram Kashyap S/o Late Lachhan Alias Laxman Kashyap, Aged About 31 Years
Resident Village Ghodagaon, P O. Joba, Tahsil Kondagaon, District Kondagaon
Chhattisgarh.....Claimant
2. Goyanda Kashyap S/o Late Lachhan Alias Laxman Kashyap, Aged About 29 Years
Resident Village Ghodagaon, P O. Joba, Tahsil Kondagaon, District Kondagaon
Chhattisgarh.....Claimant
3. Kanuram Kashyap S/o Late Lachhan Alias Laxman Kashyap, Aged About 27 Years
Resident Village Ghodagaon, P O. Joba, Tahsil Kondagaon, District Kondagaon
Chhattisgarh.....Claimant
4. Aakash Mitra S/o Vikash Mitra, Aged About 24 Years Resident Shankar Gali,
Behind Fci Godam, Maharani Ward, Jagdalpur District Bastar
(Chhattisgarh).....Vehicle Driver And Owner

---- Respondents

3	Through Video Conference
07.07.2021	Shri Sudhir Agrawal, counsel for the Appellant. Heard on IA No.02/2021, an application for condonation of delay in depositing Rs.25,000/-. On due consideration of the reasons assigned therein, the same is allowed and the delay in depositing Rs.25,000/- is hereby condoned. IA No.02/2021 thus, stands disposed of. Heard on admission. Admit. Issue notice to the Respondents on payment of PF as per rules. Also heard on IA No.01/2021 an application for grant of stay. Learned Counsel for the Appellant, while placing his reliance

upon the decisions rendered by the Supreme Court in the matters of National Insurance Company Limited Vs. Birender and Others reported in (2020) 11 SCC 356 and Maharashtra State Road Transport Corporation Vs. Lalnipull reported in (2006) 13 SCC 226, submits that since the Claimants, who are the major sons of the deceased, are not dependent upon him, therefore, they are not entitled to the amount of compensation as awarded by the Tribunal. He, therefore, prays for staying the effect and operation of the award impugned pending decision of this Appeal.

Let notice be issued to the Respondents 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 13.12.2019 passed by the Additional Motor Accident Claims Tribunal, Kondagaon in Claim Case No.24/2019 shall remain stayed till the next date of hearing, subject to the Appellant's depositing 50% of the award under Appeal before the concerned Executing Court within a period of one month from today. The amount so deposited shall not be disbursed to the Claimants except a sum of Rs.50,000/- of it and the same shall be disbursed as per the terms and conditions mentioned in the award impugned.

It is made clear that if any of the conditions is violated, then this order shall lose its efficacy and the award impugned shall become executable forthwith.

Call for records of the concerned Tribunal and post this matter after five weeks for consideration of IA No.01/2021.

Sd/-
(Sanjay S. Agrawal)
JUDGE