

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.643 of 2020

The National Insurance Company Limited **Versus** Anil Kumar
Suryawanshi

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22.03.2021	Shri BN Nande, counsel for the Appellant. Shri Praveen Kumar Dhurandhar, counsel for Respondent No.1/Claimant. None for Respondent No.2, though served. Heard on IA No.03/2021, an application filed by Respondent No.1 for recalling the order dated 04.03.2021. It is contended by Shri Dhurandhar while furnishing the order sheets of the concerned Executing Court commencing w.e.f. 05.02.2020 upto 05.03.2021 that no possession warrant has been issued, yet, the Counsel for the Appellant has made a false statement before the Court that the possession warrant has been issued and has succeeded to get the interim order in the matter. On the other hand, Shri Nande has submitted his reply and stated that he has made such a statement as per the instructions of his client. However, there was no any intention to make such a statement before this Court. On due consideration of the aforesaid contention of the Counsels and in view of the order sheet dated 06.02.2021, it appears that one Mr. Rameshwar Mishra appears on behalf of the Appellant before the concerned Executing Court and has prayed time for depositing the award under Appeal and on the basis of his request, time was granted and the matter was fixed on 26.02.2021 and thereafter, the matter was being adjourned from time to time. However, from perusal of the entire order sheets, it appears that no possession warrant has been issued as stated by Shri Nande before this Court on 04.03.2021 and based upon

which, the award impugned has been stayed till the next date of hearing.

Considering the facts and circumstances of the case and considering further the order sheets of the concerned Executing Court, I am inclined to recall the said order passed on 04.03.2021.

Accordingly, the interim relief granted vide order dated 04.03.2021 is hereby recalled.

IA No.03/2021 thus, stands disposed of.

Sd/-
(Sanjay S. Agrawal)
JUDGE