

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 791 of 2024**MAGMA H.D.I. GENERAL INSURANCE COMPANY LIMITED, **versus** ROHAN

THAKUR

Order on Board

30/09/2024	Mr. Saurabh Gupta, counsel for the appellant. Mr. Priyank Rathi, counsel for respondent No. 1. None for respondent No. 2, though served. Mr. S.K. Pandey, counsel for respondent No. 3. Heard on I.A. No. 2 / 2024, which is an application for condonation of delay in filing the appeal. Counsel for the respondents have raised their objection. On due consideration the submission made by counsel for the appellant, which is duly supported by affidavit, an application (I.A. No. 2/2024) is allowed and the delay in filing the appeal is condoned. Also heard on I.A. No.01/2024, which is an application for exemption from filing certified copy of the order under Section 170 of the M.V. Act.

On due consideration, the application is allowed and the appellant is exempted from filing certified copy of the order under Section 170 of the M.V. Act, 1988.

Also heard on I.A. No. 3/2024, which is an application for grant of stay.

Learned counsel appearing for the appellant / Insurance Company submits that accident occurred on 19.08.2019, whereas, permanent disability certificate was issued to respondent No. 1/claimant on 05.07.2022, which shows that said disability certificate is a doubtful, despite that learned Claims Tribunal has relied upon the same and granted compensation to the tune of Rs. 6,83,800/- in favour of the claimant.

Per contra, learned counsel appearing for respondent No. 1/claimant would submit that claimant has duly proved disability certificate and Insurance Company has not brought any fact to doubt upon it, hence, merely on the basis of whims and surmises of the Insurance Company, it cannot be doubted.

Having regard to the facts of the case and nature of injuries, which is bony injuries, it takes time to ascertain the fact that whether such injuries attains to permanent nature or not, therefore, only because permanent disability certificate was granted after about three years of the accident, the same cannot be doubted, hence, at this stage, I am not inclined to allow the application for grant of stay filed by the appellant / Insurance Company.

Accordingly, I.A. No. 3/2024, application for grant of stay is rejected.

	In view of the above, there is no impediment for the claimant/respondent No. 1 to withdraw the amount deposited by the insurance company. Certified copy, as per rules. Sd/- (Naresh Kumar Chandravanshi) Judge
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Amit