

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.841 of 2020

National Insurance Company Limited Through Branch Manager, National Insurance Company Limited, Office Shop No. 13 Minu Complex , Kosabadi Korba, Tahsil And District Korba Chhattisgarh. (Insurer), District : Korba, Chhattisgarh ---- **Appellant**

Versus

1. Smt. Savitri Wd/o Late Khemlal Banjara Aged About 40 Years R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
2. Sanjay Kumar S/o Late Khemlal Banjara Aged About 19 Years R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Sangeeta D/o Late Khemlal Banjara Aged About 17 Years No. 3 Minor Through Natural Guardian Mother Smt. Savitri Wd/o Late Khemlal Banjara, R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
4. Sharda D/o Late Khemlal Banjara Aged About 14 Years No. 4 Minor Through Natural Guardian Mother Smt. Savitri Wd/o Late Khemlal Banjara, R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
5. Pooja D/o Late Khemlal Banjara Aged About 14 Years No. 5 Minor Through Natural Guardian Mother Smt. Savitri Wd/o Late Khemlal Banjara, R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
6. Pushpa D/o Late Khemlal Banjara Aged About 12 Years No. 6 Minor Through Natural Guardian Mother Smt. Savitri Wd/o Late Khemlal Banjara, R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
7. Jamuna Bai W/o Dukal Singh Aged About 65 Years R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
8. Goverdhan S/o Khemlal Aged About 22 Years R/o Village Botli, Police Station Kartala, Tahsil And District Korba Chhattisgarh, District : Korba, Chhattisgarh
9. Mohammad Ali S/o Mouddin R/o Tatibandh Raipur Tahsil And District Raipur Chhattisgarh Presently Residing At Faridnagar Bhilai, Police Station Supela, District Durg ChhattisgarhDriver Of Vehicle, District : Durg, Chhattisgarh
10. Vikash Tiwari S/o U. S. Tiwari R/o House No. B. K. 22, Plot No. 02, Nehru Nagar (E) Bhilai, District Durg ChhattisgarhOwner Of Vehicle, District : Durg, Chhattisgarh

---- Respondents

1	Through Video Conference
30.06.2020	Shri Qamrul Aziz, counsel for the Appellant. Heard on IA No.01/2020, 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 of the reasons mentioned therein, I am inclined to allow the same and the Appellant is exempted from filing the certified copy of the order passed under Section 170 of the Motor Vehicles Act.

IA No.01/2020 thus, stands disposed of.

Also heard on admission.

Admit.

Issue notice to the Respondents on payment of PF as per rules.

Also heard on IA No.02/2020, an application for grant of stay.

Issue notice 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 01.02.2020 passed by the Motor Accident Claims Tribunal, Korba in Claim Case No.17/2018 shall remain stayed till the next date of hearing, subject to the Appellant's depositing 75% of the award under Appeal before the concerned Executing Court within a period of three months from today.

Respondents No.1 to 8/Claimants shall be entitled to withdraw the same 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 on IA No.02/2020.

Sd/-

(Sanjay S. Agrawal)
JUDGE