

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 1022 of 2020

- Iffco Tokio General Insurance Company Limited Through - Branch Office Narmada Road, In Front Of Mittal Gas Agency, Jabalpur Madhya Pradesh. Presently Chhattisgarh Office 205, 2nd Floor, M.M. Silver Plaza, In Front Of Udyog Bhawan, Near Mining Office, Ring Road No. 1, Raipur, District Raipur Chhattisgarh.

---- Appellant

Versus

1. Sammukh Sahu S/o Ram Charitra Sahu Aged About 30 Years R/o Village Barbaspur, P.S. - Srinagar, District - Surajpur Chhattisgarh. Presently Residing At Vivekanand Colony, P.S. Charcha, Tahsil - Baikunthpur, District - Korea Chhattisgarh.
2. Avinash Soni S/o Suresh Soni Aged About 27 Years R/o Patna, Chitamarpara, P.S. Patna, Tahsil - Baikunthpur, District - Korea Chhattisgarh.
3. Babulal Singh S/o Shiv Prasad Gond Aged About 27 Years R/o Village Murma, Patelpara, Post- Rajouli, P.S. Patna, Tahsil - Baikunthpur, District - Korea Chhattisgarh.

---- Respondents

1	(Through Video Conference)
03.09.2020	Shri P.R. Patankar, counsel for the Appellant. It is submitted by him that in order to remove the default(s), as pointed out by the Registry, he moved an application (I.A. No.2/2020), for condoning the same. On due consideration and for the reasons assigned therein and also in view of the principles laid down by the Supreme Court in the matter of <i>United India Insurance Co. Ltd. Vs. Shila Dutta</i> reported in 2011 ACJ 2729 (SC) followed in 2014 ACT 2396 in the matter of <i>Bajaj Allianz General Insurance Co. Ltd. Vs. Kamla Sen and others</i>, I am inclined to condone the default(s), as pointed out by the Registry. I.A. No.02/2020, thus, stands disposed of. Also heard on admission. Admit. Issue notice to the Respondents on payment of P.F., as per rules. Heard on I.A. No.01/2020, an application for grant of stay.

Let notice be issued on this application also to the Respondents, as above.

Meanwhile, purely as an interim measure, It is directed that the effect and operation of the award impugned dated 12.02.2020 passed by the Additional Motor Accident Claims Tribunal, Baikunthpur, District Korla, in Claim Case No.13/2019 shall remain stayed, till the next date of hearing, subject to Appellant's depositing 50% of the award under appeal before the concerned Executing Court within a period of 3 months from today.

The Respondent No.1/Claimant shall be entitled to withdraw the same, as per the terms and conditions mentioned in the award impugned, subject to furnishing the security to the satisfaction of the said Court.

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

Call for record of the concerned Tribunal.

Post this matter after 5 weeks for consideration on I.A. No.01/2020.

Sd/-
(Sanjay S. Agrawal)
JUDGE