

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.950 of 2020

The New India Insurance Company Limited, By Divisional Manager, Divisional Office, Sada Complex, T.P. Nagar, Korba, District Korba, Chhattisgarh. Through Authorized Signatory, Manager Suit Legal Hub, The New India Assurance Company Limited, Suit Legal Hub Office, 2nd Floor, Rama Trade Center, Above Axis Bank, Opp. Rajiv Plaza, Old Bus Stand Road, Bilaspur, District Bilaspur, Chhattisgarh (Non-Applicant No.2).

---- Appellant**Versus**

1. Smt. Champadevi, Wd/o Late Laalmani Vishwakarma, Aged About 50 Years, R/o Village Dasupur, P.S. Koirona, District Bhadohi (Uttar Pradesh). Presently R/o Village Malgaon, Hardibazar, Tehsil Hardibazar, District Korba, Chhattisgarh (Claimant).
2. Sonu Vishwakarma, S/o Late Laalmani Vishwakarma, Aged About 22 Years, R/o Village Dasupur, P.S. Koirona, District Bhadohi (Uttar Pradesh). Presently R/o Village Malgaon, Hardibazar, Tehsil Hardibazar, District Korba, Chhattisgarh (Claimant).
3. Monu Vishwakarma, S/o Late Laalmani Vishwakarma, Aged About 19 Years, R/o Village Dasupur, P.S. Koirona, District Bhadohi (Uttar Pradesh). Presently R/o Village Malgaon, Hardibazar, Tehsil Hardibazar, District Korba, Chhattisgarh (Claimant).
4. Minor Pratima Kumari, D/o Late Laalmani Vishwakarma, Aged About 16 Years, Minor Through Her Natural Guardian Mother, i.e., Claimant No.1 namely Champadevi, R/o Village Dasupur, P.S. Koirona, District Bhadohi (Uttar Pradesh). Presently R/o Village Malgaon, Hardibazar, Tehsil Hardibazar, District Korba, Chhattisgarh (Claimant).
5. Sainik Mining And Allied Services Ltd., Old V.T. Center, Gorva Project, Tehsil Katghora, District Korba, Chhattisgarh, Through Director Vratpal Sindhu, R/o Garun Nagar, Dipka, Tehsil Katghora, District Korba, Chhattisgarh (Non-Applicant No.1).

---- Respondents

19.08.2020	Mr. B. N. Nande, counsel for the Appellant. Heard on admission. Admit.

	Issue notice to the Respondents on payment of P. F. as per Rules. Heard on I.A. No.1/2020, an application for grant of stay. Issue notice on this application also, as above. Meanwhile, purely as an interim measures, it is directed that the effect and operation of the award impugned dated 17.02.2020 passed by the 1st Additional Motor Accident Claims Tribunal, Katghora, District Korba (C.G.) in Claim Case No.162/2016, shall remain stayed till the next date of hearing, subject to appellant's depositing 50% of the award under appeal before the concerned Tribunal/Executing Court within a period of 3 months from today. The Respondent Nos.1 to 4/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 condition is violated, then this order shall lose its efficacy and the award impugned shall become executable forthwith. Call for the records of the Court below. Post this matter after five weeks for consideration on I.A. No.1/2020. Sd/- (Sanjay S. Agrawal) Judge
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