

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1055 of 2020

- United India Insurance Company Limited Through Its Divisional Manager , Divisional Office Near Kumkum Hotel, Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Appellant

Versus

1. Samaru Sai S/o Kailash Aged About 58 Years Occupation Agriculture And Bussiness, R/o Godaripara, Azad Nagar, Chirmiri, Hal Mukam West Chirmiri Podi, Police Station Podi, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Maniram Chouhan S/o Samaru Sai Aged About 30 Years Occupation Labourer, R/o Godaripara, Azad Nagar, Chirmiri, Hal Mukam West Chirmiri Podi, Police Station Podi, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Saniram Chouhan S/o Samaru Sai Aged About 28 Years R/o Godaripara, Azad Nagar, Chirmiri, Hal Mukam West Chirmiri Podi, Police Station Podi, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Firoz Khan S/o Shamsuddin Khan Aged About 36 Years R/o Village Khadgawan, Police Station And Tahsil Khadgawan, District Korea Chhattisgarh. (Driver), District : Koriya (Baikunthpur), Chhattisgarh
5. Kamal Chouhan S/o Shekhar Chouhan Aged About 42 Years R/o Azad Nagar, Godaripara, Chirmiri, Tahsil And Police Station Chirmiri , District Korea Chhattisgarh. (Owner), District : Koriya (Baikunthpur), Chhattisgarh

--Respondents

4	Through Video Conference
12/07/2021	Shri Dashrath Gupta, counsel for the Appellant. Heard on I.A.No.1/2020, an application for exemption from filing certified copy of the order passed under Section 170 of the Motor Vehicles Act, 1988. On due consideration of the reasons assigned therein and in view of the principles laid down in the matter of United India

Insurance Co. Ltd. Vs. Shila Dutta reported in 2011 ACJ 2729 (SC) followed in 2014 ACJ 2396 in the matter of **Bajaj Alliance General Insurance Co. Ltd. Vs. Kamla Sen and others**, I am inclined to allow the same.

The application is allowed and the appellant is hereby exempted from filing the certified copy of the order passed under the said provision.

I.A.No.1/2020, thus, stands disposed of.

Heard on admission.

Admit.

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

Also heard on I.A.No.2/2020, 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 impugned award dated 14.01.2020 passed by the Motor Accidents Claims Tribunal, Baikunthpur, District Korea (CG) in Claim Case No.50/2019 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 two months from today.

Respondent Nos.1 to 3/Claimants shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned.

Heard on I.A.No.3/2021, an application filed under Order 6 Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 for amendment in the written statement.

Issue notice to the Respondents on this application also, as above.

Heard on I.A.No.4/2020, an application filed under Order 41 Rule 27 of the Code of Civil Procedure, 1908, praying for taking additional documents evidence on record.

Issue notice to the Respondents on this application also, as

above.

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.

Post this matter after five weeks for consideration on the interim applications.

Sd/-

(Sanjay S. Agrawal)
Judge