

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.1030 of 2020

The Oriental Insurance Company Limited, Through Branch Manager, Branch Office, Manendragarh, District Koriya Chhattisgarh. (The Name Of The New India Insurance Co. Ltd. Has Been Wrongly Mentioned In Impugned Award), District : Koriya (Baikunthpur), Chhattisgarh **---- Appellant**

Versus

1. Smt. Pramila Dwivedi Wd/o Late Ramesh Dwivedi, Aged About 36 Years R/o Village Nagpur, Police Station Podi, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Aman Kumar S/o Late Ramesh Dwivedi, Aged About 15 Years Minor, Through Natural Guardian Mother Smt. Pramila Dwivedi, Wd/o Late Ramesh Dwivedi, R/o Village Nagpur, Police Station Podi, District Koriya Chhattisgarh.
3. Harsh Dwivedi S/o Late Ramesh Dewivedi, Aged About 14 Years Minor, Through Natural Guardian Mother Smt. Pramila Dwivedi, Wd/o Late Ramesh Dwivedi, R/o Village Nagpur, Police Station Podi, District Koriya Chhattisgarh.,
4. Balmukund Dwivedi S/o Late Ramsahay Dwivedi, Aged About 75 Years R/o Village Nagpur, Police Station Podi, District Koriya Chhattisgarh
5. Smt. Brijbala W/o Balmukund Dwivedi, Aged About 70 Years R/o Village Nagpur, Police Station Podi, District Koriya Chhattisgarh. (Claimants)
6. Pappu @ Ashok Sharma S/o Janki Prasad Sharma, R/o Village Kewti, Police Station Kelhari, District Koriya Chhattisgarh. (Driver)
7. Mohd. Maksud Alam S/o Maqbool Alam, R/o Village Ghodbandha, Police Station Kelhari, District Koriya Chhattisgarh. (Owner)
8. Abdul Aziz S/o Abdul Kuddus, Aged About 55 Years R/o Ward No. 12, Nearby Masjid, Manendragarh, District Koriya Chhattisgarh. (New Purchaser),
9. Smt. Shakila Bano W/o Abdul, R/o Ward No. 12, Nearby Masjid, Manendragarh, District Koriya Chhattisgarh. (New Purchaser), District : **---- Respondents**

2	Through Video Conference
09.08.2021	Shri Raj Awasthi, counsel for the Appellant. Respondents No.1 to 9 are reported to be unserved. Issue fresh notice to Respondents No.1 to 9 on IA No.01/2020, an application for condonation of delay of 225 days in filing this Appeal, on payment of PF as per rules.

At this stage, Shri Awasthi submits that the execution proceeding has already been initiated where the possession warrant has already been served upon the Appellant and the matter is listed before the said executing Court on 12.08.2021. He, therefore, prays that at least till the next date of hearing, the effect and operation of the award impugned may be stayed.

On due consideration of the said contention of Shri Awasthi, it is directed that the effect and operation of the award impugned dated 15.10.2019 passed by the 1st Additional Motor Accidents Claims Tribunal, Manendragarh, District Koriya in Claim Case No.07/2017 shall remain stayed till the next date of hearing, subject to Appellant's depositing 80% of the award under Appeal before the concerned executing Court within a period of two months from today.

Respondents No.1 to 5/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.

Post this matter after five weeks for further orders.

Sd/-
(Sanjay S. Agrawal)
JUDGE