

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.461 of 2021

Magma H. D. I. General Insurance Company Limited Through Branch Manager,
Branch Office Kirti Complex, Rajendra Nagar Chowk, Link Road, Bilaspur, Tahsil
And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh) --- **Appellant**

Versus

1. Rukshana Begum W/o Late Md. Alim Khan, Aged About 34 Years Cast Muslim, R/o Ward No. 10, Basna, P.S. And Tahsil Basna, District Mahasamund Chhattisgarh.....Claimant
2. Md. Hashim, S/o Late Md. Alim Khan, Aged About 18 Years Cast Muslim, R/o Ward No. 10, Basna, P.S. And Tahsil Basna, District Mahasamund Chhattisgarh.....Claimant
3. Aaysa Parvin, D/o Late Md. Alim Khan, Aged About 16 Years Minor Represented Through Mother Rukshana Begum Respondent No. 1, Cast Muslim, R/o Ward No. 10, Basna, P.S. And Tahsil Basna, District Mahasamund Chhattisgarh.....Claimant
4. Aashma Parvin, D/o Late Md. Alim Khan, Aged About 15 Years Minor Represented Through Mother Rukshana Begum Respondent No. 1, Cast Muslim, R/o Ward No. 10, Basna, P.S. And Tahsil Basna, District Mahasamund Chhattisgarh.....Claimant
5. Rajjab Khan, S/o Jumman Khan, Aged About 30 Years R/o Village Sahas, P.S. Pamgarh, District Janjgir Champa Chhattisgarh.....Driver
6. Prem Singh Porta S/o Karan Singh Porta, Aged About 41 Years R/o Village And Post Bhukal, P.S. And Tahsil Basna, District Mahasamund (Chhattisgarh).....Owner ---**Respondents**

1	Through Video Conference
17.08.2021	Shri Shailesh Tiwari, counsel for the Appellant. Heard on IA No.02/2021, 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 and in view of the principles laid down in the matter of United India Insurance Co. Ltd. Vs. Shila Dutta reported in <u>2011 ACJ 2729 (SC)</u> followed in <u>2014 ACJ 2396</u> in the matter of Bajaj Alliance General Insurance Co. Ltd. vs. Kamla Sen and others, 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.02/2021 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.01/2021, 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 30.03.2021 passed by the Additional Motor Accident Claims Tribunal, Saraipali, District Mahasamund in Claim Case No.35/2019 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.

Respondents No.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 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.01/2021.

Sd/-

(Sanjay S. Agrawal)
JUDGE