

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 1299 of 2024

- Tata A.I.G. General Insurance Company Limited Through Its Legal Manager, Office No. 403, 4th Floor, DB, City Corporate Park, Flat No. 1, Block No. 9, Rajbandha Maidan, Raipur (C.G.)

---- Appellant.

Versus

1. Smt. Arti Sinha W/o Late Mahendra Sinha Aged About 21 Years R/o Sanginkachhar Asra Ward No. 1, District Rajnandgaon (C.G.)
2. Raghvendra Sinha S/o Late Mahendra Sinha Aged About 1 Year Being Minor Through Natural Guardian Mother Smt. Arti Sinha, Respondent No. 1, R/o Sanginkachhar Asra Ward No. 1, District Rajnandgaon (C.G.)
3. Sushila Sinha W/o Sitaram Sinha Aged About 52 Years R/o Sanginkachhar Asra Ward No. 1, District Rajnandgaon (C.G.)
4. Sitaram Sinha W/o Hirasingh Aged About 56 Years R/o Sanginkachhar Asra Ward No. 1, District Rajnandgaon (C.G.)
5. Ganeshwar Sinha S/o Sitaram Sinha Aged About 32 Years R/o Sanginkachhar Asra Ward No. 1, District Rajnandgaon (C.G.)

---- Respondents/Claimants

02.07.2024	Shri Sourabh Sharma, counsel for the appellant. Heard on I.A. No.1/2024(Application for Condonation of Delay) Issue notice to respondents on I.A. No.1/2024. PF be paid as per rules. Also heard on I.A. No.2/2024, an Application For Grant of

Stay.

Learned counsel for the appellant submits that the Claim Petition was not maintainable before the Tribunal in view of the principle laid down in the matter of **Ningamma And Another vs United India Insurance Company Limited**, reported in (2009) **13 SCC 710**. He would further submit that learned Tribunal has awarded contractual liability of personal accident of Rs.5,50,000/- (Five Lakhs Fifty thousand) for which the Claim Tribunal has no jurisdiction.

So, considering the submissions made by learned counsel for the appellant, purely as an interim measure, it is directed that effect and operation of the impugned award dated 31.01.2024 passed by Third Additional Motor Accident Claims Tribunal, Rajnandgaon (C.G.) in Claim Case No.188/2021 shall remain stayed till the next date of hearing.

Call for the record of the concerned Tribunal.

Post this matter in the month of August, 2024.

Sd/-

(Deepak Kumar Tiwari)
Judge

Avinash