

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.1300 of 2019

Divisional Manager United India Insurance Company Limited, By Branch Manager, United India Insurance Company Limited, Divisional Office, Second Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh, Through Authorised Signatory, Divisional Manager, Divisional Office, United India Insurance Company Limited, 2nd Flor Guru Kripa Towers Vyapar Vihar Road Bilaspur, P.S. Civil Line Tehsil And District- Bilaspur, Chhattisgarh.....
(N.A.No.3)

--- Appellant

Versus

1. Kamlesh Shrivastava S/o Late Shri Balaram Shrivastava Aged About 43 Years R/o Village Bidbida, Post Office Sargaon, P.S. Patharia, District- Mungeli, Chhattisgarh.
2. Smt. Bitawan Bai Shrivastava W/o Kamlesh Shrivastava Aged About 40 Years R/o Village Bidbida, Post Office Sargaon, P.S. Patharia, District- Mungeli, Chhattisgarh.
3. Ku. Kalavati Shrivastava D/o Kamlesh Shrivastava Aged About 11 Years Minor Through His Guardian Mother Smt. Bitawan Bai Shrivastava Res. No. 2, R/o Village Bidbida, Post Office Sargaon, P.S. Patharia, District- Mungeli, Chhattisgarh, Presently Residing At Chingraj Para, Behind Durga Mandir, Kundru Badi, Sarkanda, Tahsil And District- Bilaspur, Chhattisgarh.....(Claimants)
4. Shiv Narayan Sharma S/o Ganga Prasad Sharma Aged About 52 Years R/o Village Nimtara, P.S. Masturi, Tahsil And District- Bilaspur, Chhattisgarh.....(Driver),
5. Tirupati Buildcon Private Limited N.A. Sirgitti Insustrial Area, Tahsil And District- Bilaspur, Chhattisgarh.....(Owner)

---- Respondents

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11.12.2019	<p>Shri BN Nande, counsel for the Appellant.</p> <p>Shri Anupam Sharma, counsel for Respondents No.1 to 3.</p> <p>Shri Chandradeep Prasad, counsel for Respondent No.5.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Issue notice to Respondent No.4 only on payment of PF as per rules.</p> <p>Also heard on I.A No.02/2019, an application for grant of stay.</p>

Let notice be issued to Respondent No.4 on this application also, above.

Shri Chandradeep Prasad prays for three weeks' time to file reply with regard to the said application.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 06.03.2019 passed by the Motor Accident Claims Tribunal, Bilaspur in Claim Case No.526/2017 shall remain stayed till the next date of hearing, subject to the Appellant's depositing 50% of the award under Appeal before the concerned Executing Court within a period of 45 days from today.

Respondents No.1 to 3/Claimants shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned without furnishing any kind of security before the said Court.

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 IA No.02/2019.

Sd/-

(Sanjay S. Agrawal)
JUDGE