



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 1609 of 2016

- National Insurance Company Limited Bhootani Complex,
G.E.Road, Power House Bhilai, Distt. Durg, Through- Divisional
Manager, Divisional Office, Aakashganga, Supela, Bhilai, Tahsil
& District Durg, Chhattisgarh(Non-Applicant No.3)

---- Appellant

Versus

1. Santosh Yadav S/o Late Shankar Yadav, Aged About 42 Years
2. Smt. Tijan Bai W/o Santosh Yadav, Aged About 40 Years
3. Ku. Laxmi Yadav D/o Santosh Yadav, Aged About 20 Years
4. Ku. Pratibha Yadav D/o Santosh Yadav, Aged About 14 Years
5. Ku. Seema Yadav D/o Santosh Yadav, Aged About 14 Years

R- 4 and 5 are Minor Through Father Santosh Yadav (Respondent No.1)

All R/o Village Hinganadih, P.O. Ahiwara, P.S. Nandni, Tah. Dhamdha,
Distt. Durg, Chhattisgarh(Applicant No.5)

6. Nandlal Sahu S/o Balaram Sahu, Aged About 38 Years R/o
Village Kapsada, P.S. Kumhari, District Durg, Chhattisgarh
(Driver)(Non-Applicant No.1)
7. Tribhuvan Pande S/o Jaikishan Pande, R/o Quarter No. 137/ F,
Risali Sector, Bhilai, Tah. & Distt. Durg, Chhattisgarh
(Owner)(Non-Applicant No.2)

---- Respondents

8-3-2017	Mr. Dashrath Gupta, Adv. for appellant. Mr. Shokie Yadav, Adv. for R-1 to 5. None for R-6 and 7 though served as per office note dated 2-3-2017. Heard on IA. No. 3/16 for staying the execution proceedings.	



	Learned counsel for the appellant submits that the offending vehicle was not having fitness certificate at the time of accident and with this, the insurance company is not liable to satisfy the impugned award hence the appellant has a good case to argue in the matter. Execution of the award dated 31-8-2016 may be stayed until further orders. Perused the award dated 31-8-2016. Without commenting anything on the merit, this Court is not inclined to stay the execution proceedings. Consequently, I.A. No. 3/2016 is dismissed. However, any amount deposited in the execution proceedings be disbursed to the claimants only after taking appropriate surety from them and also as per para 37 of the impugned award. The appellant may file copy of the order before the Tribunal for compliance. Registrar (Judicial) is also directed to send copy of the order immediately to the Tribunal through usual and fax mode for compliance. List the matter for final hearing in its due course along with MAC No. 1608/2016. Sd/- (Chandra Bhushan Bajpai) Judge	
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