



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 1608 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. Smt. Durga Yadav Wd/o Late Ajay Kumar Yadav, Aged About 25 Years
2. Ku. Kalpana Yadav D/o Late Ajay Kumar Yadav, Aged About 3 Years
3. Ku. Geetanjali D/o Late Ajay Kumar Yadav, Aged About 2 Years
4. Mohan Lal Yadav S/o Late Kunwar Singh Yadav, Aged About 55 Years
5. Smt. Pramila Yadav W/o Mohan Lal Yadav, Aged About 50 Years
6. Chhannu Yadav S/o Late Ajay Kumar Yadav, Aged About 7 Years
R- 2, 3 and 6 Minor Through Mother Smt. Durga Yadav
(Respondent No.1) R No. 1 to 6 are R/o. Village Hinganadih,
P.O. Ahiwara, P.S. Nandni, Tah. Dhamdha, Distt. Durg, CG
7. 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)
8. 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 6. None for R-7 and 8 though served through usual mode as per office note dated 28-2-2017.	



	Heard on IA. No. 1/16 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. 1/2016 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. 1609/2016. Sd/- (Chandra Bhushan Bajpai) Judge	
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