

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1326 of 2015**

- The New India Insurance (Assurance) Company Limited Through Branch Manager, L.I.C. Building, First Floor, Pandari, Raipur Through Authorised Signatory The New India Assurance Company Limited Divisional Office, Near Old Bus Stand Bilaspur (Chhattisgarh)....(N.A.2)

---- Appellant**Versus**

1. Sarvagya Bai, Wd/o Late Roopnarayan Khandelwal, Aged About 28 Years, R/o Village Chaprid P. O. Samoda P. S. Aarang District Raipur (Chhattisgarh)
2. Minor Kumari Heena, Aged 02 Years And 06 Months Through Guardian Mother Sarvagya Bai (R-1), R/o Village Chaprid P.O. Samoda P.S. Aarang, District Raipur (Chhattisgarh)
3. Minor Kumari Droupati, Aged 04 Months, Through Guardian Mother Sarvagya Bai (R-1), R/o Village Chaprid P.O. Samoda P.S. Aarang, District Raipur (Chhattisgarh)
4. Budhe Lal Khandelwal, S/o Late Dayalu Khandelwal, Aged About 65 Years, R/o Village Chaprid P. O. Samoda P. S. Aarang District Raipur (Chhattisgarh)
5. Smt. Tara Bai Khandelwal, W/o Budhe Lal Khandelwal, Aged About 62 Years, R/o Village Chaprid P.O. Samoda P.S. Aarang, District Raipur (Chhattisgarh).....(Claimants)
6. Ramu Lal Tarak, S/o Keshav Ram Tarak, R/o Village Devri, P. S. Rajim, District Raipur (Chhattisgarh).....(Owner Of The Offending Hero Honda Motorcycle No. C. G. 04 / D. J. 1793)
7. Nikhil Kumar Tandon, S/o Thakur Ram Tandon, Aged About 22 Years, R/o Quarter No. 6/4, Irrigation Colony, Rampur Korba, District Korba (Chhattisgarh).....(Owner Of Hero Honda Motorcycle No. C.G. 12-M/ 8295 Involved Other Vehicle in the relevant accident)
8. United India Insurance Company Limited, Opposite Kutchery, Near City Hospital, Raipur (Chhattisgarh).....(Insurer Of The Hero Honda Motorcycle No. C.G. 12-M/8295 Involved Other Vehicle in the relevant accident. (Policy No. 190602 / 31 / 10 / 01/ 00005540 Effective Since 3.6.2010 to 2.6.2011)

---- Respondents**SB : Hon'ble Shri Justice Inder Singh Uboweja**

27-01-2016	Shri B.N. Nande, counsel for the appellant. Shri Keshav Dewangan, counsel for respondents No.1 to 5.	

Shri Umesh Pandey, counsel appears on behalf of Shri P.K. Patel, counsel for respondent No.6.

Shri Dashrath Gupta, counsel for respondent No. 8.

Heard on admission.

Admit.

Also heard on I.A. No.01/2015 which is an application for grant of stay.

By way of impugned award dated 15-07-2015, the claims Tribunal has granted Rs. 7,34,960/- as total compensation with interest @ 8% per annum, fastening the liability to pay compensation upon both the Insurance Companies i.e. the appellant and respondent No.8 herein, in the ratio of 50 : 50, i.e. Rs.3,67,480/- each.

On appellant's depositing 50% of the compensation part i.e. Rs.1,83,740/- in addition to mandatory deposit, before the concerned Tribunal within a period of one month, the execution of remaining part of the award shall remain stayed till further orders.

The claimants are entitled to withdraw the amount so deposited by the appellant herein before the concerned Tribunal, after furnishing surety in like sum to the satisfaction of the concerned Tribunal.

In view of above, the application for grant of stay stands disposed of.

List the matter along with MACs No. 1231/2015 and 1232/2015, for final hearing in due course.

C.C. as per rules.

Sd/-
(I.S. Uboweja)
JUDGE

