

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 1371 of 2019

The Oriental Insurance Company Limited Through Branch Manager Hotel Laxman Avenue, Infront Of Murty Line Jagdalpur, District- Bastar, Chhattisgarh

---- Appellant

Versus

1. Smt. Shubhmitra Krishnan W/o Late E.K. Vinayak Aged About 24 Years R/o Master Colony, Mthalput, Damanjodi, Post- Mathalput, Thana- Damanjodi, District- Koraput. (Orissa)
2. Unni Krishnan S/o K.K. Krishnan Aged About 55 Years R/o Master Colony, Mthalpur, Damanjodi, Post- Mathalput, Damanjodi, Post- Mathalput, Thana- Damanjodi, District- Koraput. (Orissa)
5. Smt. Kanchan Krishnan W/o Unni Krishnan Aged About 50 Years R/o Mastar Colony, Mthalput, Damanjodi, Post - Mathalput, Thana - Damanjodi, District Koraput (Orissa).
3. Shailendra Tara S/o Surendra Tara Aged About 25 Years Occupation-Driver, R/o Santoshi Ward, Kumharpara, Jagdalpur, District- Bastar, Chhattisgarh.
4. Vikrant Verma S/o Ravindra Verma Address-Bajali Ward, Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondents

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09.09.2019	<p>Shri Sudheer Agrawal, counsel for the Appellant.</p> <p>Shri Shivang Dubey, counsel for Respondents No. 1 to 3/Claimants.</p> <p>None for Respondents No. 4 and 5, though served.</p> <p>Heard on I.A. No. 3/2019, an application filed under Order 41 Rule 14(4) of C.P.C. 1908.</p> <p>Shri Agrawal, counsel for the Appellant, does not want to press this application, as the Respondents have already been served.</p> <p>The application is accordingly rejected, as having been rendered infructuous.</p> <p>I.A. No. 3/2019 stands disposed of.</p>

Also heard on I.A. No. 1/2019, an application for condonation of delay of 48 days in filing this appeal.

No reply has been filed on this application.

On due consideration and for the reasons assigned therein, I am inclined to allow the same.

The application is allowed and delay is accordingly condoned.

I.A. No.1/2019 stands disposed of.

Heard on admission.

Admit.

Issue notice to Respondents No. 4 and 5 only on payment of P.F., as per rules.

Also heard on I.A. No. 2/2019, an application for grant of stay.

Let notice be issued on this application also to the Respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 28.02.2019 passed by Motor Accident Claims Tribunal, Bastar place Jagdalpur, in Claim Case No.153/2018 shall remain stayed till the next date of hearing subject to Appellant's depositing a sum of Rs.38,00,000/- (Thirty Eight Lakhs Only) before the concerned Executing Court within a period of two months from today.

The Respondents No. 1 to 3/Claimants shall be entitled to withdraw the same, as per the direction contained in the award impugned.

It is made clear that if any of the condition is violated, then this order shall lose its efficacy and the award impugned shall become executable forthwith.

Call for records of the concerned Tribunal.

Post this matter after 5 weeks for consideration of I.A. No. 2/2019.

**Sd/-
(Sanjay Agrawal)
JUDGE**