

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.1459 of 2019

United India Insurance Company Limited Through Its Divisional Manager, Divisional Officer, Main Road Korba, Tahsil And District Korba Chhattisgarh

---- Appellant

**Versus**

1. Smt. Milapa Bai Wd/o Late Shri Ramsai Kanwar Aged About 47 Years R/o Qtr. No. M-205, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh..... (Applicant No. 1)
2. Brijraj Singh S/o Late Shri Ramsai Kanwar Aged About 30 Years R/o Qtr. No. M-205, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh..... (Applicant No. 2)
3. Devraj Singh Kanwar S/o Late Shri Ramsai Kanwar Aged About 20 Years R/o Qtr. No. M-205, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh.....(Applicant No. 3)
4. Ku. Vimla D/o Late Shri Ramsai Kanwar Aged About 24 Years R/o Qtr. No. M-205, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh.....(Applicant No. 4)
5. Ku. Shimla D/o Late Shri Ramsai Kanwar Aged About 22 Years R/o Qtr. No. M-205, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh.....(Applicant No. 5)
6. Ashok Kumar Satnami S/o Shri Satyanarayan Satnami Aged About 47 Years R/o Village Dhangawan, P. O. Masturi, District Bilaspur Chhattisgarh R/o Qtr. No. M-47, Om Pur Colony, Rajga Mar, Tahsil And District Korba Chhattisgarh (Driver)..... (Non-Applicant No. 01)
7. Sabbir Kumar Jangade S/o Kishan Lal Jangade Aged About 29 Years R/o Village Devpahri, Ajar Bahar, P. O. Gadh Uroda, Tahsil And District Korba Chhattisgarh (Owner).....(Non-Applicant No. 02)

---Respondents

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03.03.2020	<p>Shri Dashrath Gupta, counsel for the Appellant.</p> <p>Shri Ashutosh Shukla, counsel for Respondents No.1 to 5.</p> <p>Shri Nitansh Jaiswal, counsel for Respondent No.6.</p> <p>Shri Pradeep Kumar Jogi, Advocate appears on behalf of Shri Ravi Maheshwari, counsel for Respondent No.7.</p> <p>Heard on IA No.02/2019, an application for grant of stay.</p>

No reply has been filed with regard to the said application.

On due consideration, the same is allowed and it is directed that the effect and operation of the award impugned dated 14.05.2019 passed by the Additional Motor Accident Claims Tribunal (FTC) Korba in Claim Case No.68/2017 shall remain stayed, in so far as the present Appellant is concerned, until further orders, subject to the Appellant's depositing 60% of the award under Appeal before the concerned Executing Court within a period of 45 days from today.

Respondents No.1 to 5/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.

IA No.02/2019 thus, stands disposed of.

Also heard on IA Nos.01/2019 and 03/2019. These are the applications filed under Order 41 Rule 27 CPC and under Order 6 Rule 17 r/w Section 151 CPC seeking production of documentary evidence on record and also for amendment in the written statement, respectively.

The said applications shall be considered at the time of final hearing.

Shri Shukla prays for a week's time to remove the default as pointed out by the Registry.

As prayed by him, post this matter after a week for further orders.

Sd/-  
(Sanjay S. Agrawal)  
JUDGE