



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.1458 of 2019

Branch Manager Oriental Insurance Co. Ltd. Opposite Adarsh Jal Temple Main Road Dhamtari District Dhamtari Chhattisgarh. (Insurance Co.)

---- Appellant

Versus

1. Smt. Parwati Tandan Wd/o Late Mahendra Tandan Aged About 43 Years R/o At Village Aarand Police Station Rajim District Gariyaband Present Address Telibandha Purena Chhota Line Dabari Para Near Shiv Temple Raipur District Raipur Chhattisgarh. (Claimants)
2. Manoj Tandan S/o Late Mahendra Tandan Aged About 24 Years R/o At Village Aarand Police Station Rajim District Gariyaband Present Address Telibandha Purena Chhota Line Dabari Para Near Shiv Temple Raipur District Raipur Chhattisgarh. (Claimants)
3. Rajesh Tandan S/o Late Mahendra Tandan Aged About 22 Years R/o At Village Aarand Police Station Rajim District Gariyaband Present Address Telibandha Purena Chhota Line Dabari Para Near Shiv Temple Raipur District Raipur Chhattisgarh. (Claimants)
4. Rajeshwar Tandan S/o Late Mahendra Tandan Aged About 20 Years R/o At Village Aarand Police Station Rajim District Gariyaband Present Address Telibandha Purena Chhota Line Dabari Para Near Shiv Temple Raipur District Raipur Chhattisgarh. (Claimants)
5. Doman Satnami S/o Punit Ram Satnami Aged About 40 Years R/o Village Sivani Police Station Kurud District Dhamtari Chhattisgarh. (Driver)
6. Dhanehsvar Chandrakar S/o Tuganlal Chandrakar Aged About 40 Years R/o Village Dahdaha Police Station Kurud, District Dhamtari Chhattisgarh.

---- Respondents

5	Through Video Conference
29.07.2021	<p>Shri PK Tulsian, counsel for the Appellant.</p> <p>Respondents No.1 to 4 are reported to be unserved.</p> <p>Shri NS Dhurandhar, counsel for Respondents No.5 & 6.</p> <p>Shri Tulsian submits that the execution proceedings have already been initiated and the execution Court has fixed the case on 02.08.2021 and therefore, he prays for interim protection till the</p>



disposal of the application for condonation of delay in filing the Appeal.

Considering the aforesaid contention of Shri Tulsian and considering further that the execution Court has already fixed the case on 02.08.2021, I am inclined to stay the effect and operation of the award impugned dated 10.04.2019 passed by the Additional Motor Accidents Claims Tribunal, Gariyaband in Claim Case No.32/2016 till the next date of hearing, subject to Appellant's depositing 75% of the award under Appeal before the said Court on or before 02.08.2021, failing which this interim order shall lose its efficacy and the award impugned shall become executable forthwith.

Respondents No.1 to 4/Claimants shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned.

Let fresh notice be issued to Respondents No.1 to 4 on payment of PF through ordinary as well as registered mode on their correct addresses.

Post this matter in the week commencing 06.09.2021.

Sd/-
(Sanjay S. Agrawal)
JUDGE