

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 1587 of 2019

- The United India Insurance Company Limited Divisional Office, Ashram Complex, Mahasamund Police Station Tehsil And District Mahasamund Chhattisgarh. Through Authorised Singnatory, Deputy Manager, T.P. Hub. Divisional Office, United India Insurance Company Limited 2nd Floor Guru Kripa Towers Vyapar Vihar Road Bilaspur Police Station Civil Line Tehsil And District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. Smt. Koshilya Patel W/o Late Shri Ghasiram Patel Aged About 50 Years R/o Village Kasahibahra, Police Station And Tehsil Pithora, District Mahasamund Chhattisgarh.
2. Toshram Patel S/o Late Shri Ghasiram Patel Aged About 30 Years R/o Village Kasahibahra, Police Station And Tehsil Pithora, District Mahasamund Chhattisgarh.
3. Pitamber Patel S/o Late Shri Ghasiram Patel Aged About 29 Years R/o Village Kasahibahra, Police Station And Tehsil Pithora, District Mahasamund Chhattisgarh.
4. Rajkumar S/o Sevak Ram Yadav Aged About 40 Years R/o Village Ghodari, Post Office, Birkoni, Police Station Tehsil And District Mahasamund Chhattisgarh. (Driver/ Owner Of Vehicle Bearing No. C.G.04-DV- 7564)

---- Respondents

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26.08.2019	Shri B. N. Nande, counsel for the Appellant. Heard on I.A. No.01/2019, an application for condonation of delay of 09 days in filing this appeal. On due consideration and for the reasons assigned therein, I am inclined to allow the same and delay is, accordingly, condoned. Accordingly, I.A. No.01/2019 stands disposed of. Also heard on admission. Admit.

Issue notice to the Respondents on payment of P.F., as per rules.

Also heard on I.A. No.02/2019, an application for grant of stay.

Issue notice 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 impugned award dated 29.04.2019 passed by the First Additional Motor Accident Claims Tribunal, Mahasamund, District Mahasamund in Claim Case No. H 189/2014 shall remain stayed till the next date of hearing subject to Appellant's depositing a sum of Rs. 3,00,000/- (Rupees Three Lacs only) of the award under the appeal before the concerned executing Court within a period of 45 days from today. The Claimants/Respondents No. 1 to 3 shall be entitled to withdraw the same without furnishing any kind of security before the said executing Court.

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 record of the concerned Tribunal and post this matter after five weeks for further orders.

Sd/-

(Sanjay Agrawal)
Judge

Nikita