

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 685 of 2021Branch Manager / Divisional Manager **Versus** Smt. Shivbati

12/11/2021	Mr. B.N. Nande, counsel for the appellant/s. Heard. Admit. Call for records. Issue notice to the respondents on payment of P.F. as per rules, returnable within 6 weeks. Also heard on application (I.A. No.1) for grant of stay. Learned counsel for the appellant submits that in favour of the insured only act policy has been issued and the case is of pillion rider that is covered by the dictum of Hon'ble Supreme Court in the case of Oriental Insurance Co. Ltd Vs. Sudhakaran K.V. and Others, 2008 (7) SCC 428, in which, it has been laid down that the pillion rider in two wheelers was not to be treated as third party and the issue has also been determined by this Court in MAC No.590 of 2021 decided on 20.10.2021, therefore, in view of settled legal proposition, this Court is of the view that application of the Insurance Company for grant of stay of the impugned award for execution of award shall remain stayed until further orders. In view of above, I.A. No.1 stands disposed off. Also heard on application (I.A. No.2) for grant of exemption from filing

certified copy of the order passed under Section 170 of M.V. Act, 1988.

On due consideration of the reasons assigned therein, the same is allowed and the appellant is exempted from filing the certified copy of the order.

Post the matter in due course.

Sd/-
(Deepak Kumar Tiwari)
Judge