



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 814 of 2021

- The New India Assurance Company Limited Through Its Local Branch Office, Judev Complex, Gamhariya Road, Jashpur, District Jashpur Chhattisgarh.

---- Appellant

Versus

1. Smt. Birasmuni Bai Wd/o Late Butna Ram Aged About 50 Years R/o Village Kulda, P.O. Lodam, Tahsil And District Jashpur Chhattisgarh.
2. Minor Mantu Ram S/o Late Butna Ram Aged About 14 Years Minor Through His Mother Smt. Birsamani Bai (Respondent No. 1) R/o Village Kulda, P.O. Lodam, Tahsil And District Jashpur Chhattisgarh.
3. Vinay Kumar Jain S/o Shri Prem Kumar Jain Jindal Road Lines Shivshakti Complex, Raigarh Chhattisgarh. Jindal Transport Nagar, Raigarh Chhattisgarh. R/o Gorkha, Tahsil And District Raigarh Chhattisgarh. (Owner).
4. Mitraj S/o Shubhnath R/o Sardiha Madhuriya, P.S. Dudhahi, District Sonbhadra (U.P.). C/o Jindal Road Lines, Shivshakti, Complex, Raigarh Chhattisgarh Jindal Transport Nagar, Raigarh Chhattisgarh R/o Gorkha, Tahsil And District Raigarh Chhattisgarh (Driver).

---- Respondents

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17.12.2021	Shri Dashrath Gupta, counsel for the Appellant. On due consideration of the default(s) as pointed out by the Registry, I am inclined to drop the same. The default(s) as pointed out by the Registry is accordingly dropped. Heard on admission. Admit. Issue notice to the Respondents on payment of P.F., as per rules. Also heard on I.A. No.02/2021, an application filed under Order 41 rule 27



of CPC seeking production of additional documentary evidence on record.

Issue notice on this application also to the Respondents, as above.

Also heard on I.A. No.01/2021, 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 29.07.2021 passed by the Motor Accident Claims Tribunal, Jashpur (C.G.) in Motor Accident Claim Case No.71/2019 shall remain stayed till the next date of hearing, subject to Appellant's depositing 60% of the award under appeal before the concerned executing Court within a period of 45 days from today.

The Claimants/Respondents No. 1 & 2 shall be entitled to withdraw the same as per the terms and conditions mentioned 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 record of the concerned Tribunal and post this matter after five weeks for consideration on I.A. Nos.01/2021 & 02/2021.

Sd/-

(Sanjay S. Agrawal)
Judge