

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.1696 of 2019

Lochan, S/o Parasnath Nayak, Aged About 23 Years, R/o Village Dabhra, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh (Vehicle Owner And Driver).

---- Appellant

Versus

1. Fulsai, S/o Buddhu Sahu, Aged About 60 Years, Occupation Agriculture And Carpenter Work, R/o Village Khaparapali, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh (Claimant).
2. Guruwari, W/o Fulsai, Aged About 50 Years, Occupation Labour, R/o Village Khaparapali, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh (Claimant).
3. Daulat, S/o Fulsai Sahu, Aged About 42 Years, Occupation Agriculture, R/o Village Khaparapali, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh (Claimant).
4. Rohit Kumar, S/o Fulsai Sahu, Aged About 38 Years, Occupation Agriculture, R/o Village Khaparapali, Police Station & Tahsil Baramkela, District Raigarh, Chhattisgarh (Claimant).
5. Puran, D/o Fulsai Sahu, W/o Bhethiyar, R/o Village Kalami, Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh (Claimant).
6. Branch Manager, I.C.I.C.I. Lombard, General Insurance Company Limited, Branch Vanijya Bhawan, Devendra Nagar Raipur, District Raipur, Chhattisgarh (Insurance Company).

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16/09/2019	<p>Shri Hemant Kumar Patel, counsel for the Appellant.</p> <p>Heard on I.A. No.1/2019, an application for condonation of delay of 8 days in filing the appeal.</p> <p>On due consideration and for the reasons assigned therein, I am inclined to allow the same. Accordingly, the said application is allowed and the delay of 8 days in filing the appeal is hereby condoned.</p> <p>I.A. No.1/2019, thus, stands disposed of.</p> <p>Heard on admission.</p> <p>Admit.</p>

	<p>Issue notice to the Respondents on payment of P. F. as per Rules.</p> <p>Also heard on I.A. No.2/2019, an application for grant of interim relief.</p> <p>Issue notice on this application also, as above.</p> <p>Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned award dated 17.05.2019 passed by the Additional Motor Accident Claims Tribunal Sarangarh, District Raigarh, (C.G.) in Claim Case No.7/2016, shall remain stayed till the next date of hearing, subject to appellant's depositing a sum of Rs.75,000/- (Seventy Five Thousand Only) of the award under appeal before the concerned Executing Court within a period of 3 months from today.</p> <p>The Respondent No.1/Fulsai shall be entitled to withdraw the same without furnishing any kind of security before the concerned Executing Court.</p> <p>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.</p> <p>Call for the records of the Court below.</p> <p>Post this matter after five weeks for consideration on I.A. No.2/2019.</p> <p style="text-align: right;">Sd/- (Sanjay Agrawal) Judge</p>
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