

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 774 of 2021

- Chola Mandalam Ms General Insurance Co. Ltd., Branch Office, Raipur, Local Branch Office Near Honda Showroom Gamhria Road, Jashpur Chhattisgarh

---- Appellant

Versus

1. Smt. Sunita Xalxo W/o Late Ishwar Xalxo, Aged About 27 Years R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
2. Minor Nalshan Xalxo S/o Late Ishwar Xalxo, Aged About 5 Years Minor, Represented Through Mother Smt. Sunita Xalxo, R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
3. Minor Naitik Xalxo S/o Late Ishwar Xalxo, Aged About 2 Years Minor, Represented Through Mother Smt. Sunita Xalxo, R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
4. Lobhan Xalxo S/o Late Dewar Xalxo, Aged About 60 Years R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
5. Smt. Mangli Bai W/o Lobhan Xalxo, Aged About 57 Years R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
6. Salmon Xalxo S/o Lobhan Xalxo, Aged About 28 Years R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Pattalgaon, District - Jashpur Chhattisgarh.
7. Piyus Xalxo S/o Late Silas Xalxo, Aged About 55 Years Occupation - Service, R/o Village - Kudkel Khajri, Post - Shekharapur, Police Station - Kansabel, Tahsil - Patthalgaon, District - Jashpur Chhattisgarh.

---- Respondents

01.07.2022	Shri Sangeet Kumar Kushwaha, counsel for the Appellant. Heard on admission. Admit.

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

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 03.03.2021 passed by Motor Accident Claims Tribunal, Jashpur (C.G.) in Claim Case No.79/2019 shall remain stayed till the next date of hearing in so far as the present appellant alone is concerned, subject to Appellant's depositing 50% of the award under appeal before the concerned executing Court within a period of two months from today.

The Claimant/Respondents No. 1 to 6 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. No.01/2021.

Sd/-

(Sanjay S. Agrawal)
Judge