

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 1284 of 2022

- The Oriental Insurance Company Limited, By - Branch Manager, Branch Office, Rama Trade Centre, Opposite Rajiv Plaza, Near Old Bus Stand, Bilaspur, Thana - City Kotwali, District - Bilaspur, Chhattisgarh. Represented Through In-Charge, Legal Hub, Hub Office, 1st Floor, Rama Trade Centre, Rajiv Plaza, Opposite Old Bus Stand Bilaspur, Tehsil And District - Bilaspur, Chhattisgarh. (Non- Applicant No. 3)

---- Appellant

Versus

1. Smt. Nandini Shyam W/o Late Shri Naresh Shyam, Aged About 26 Years, R/o Village - Lupha (Barbhantha) Belgahna, Police Station Kota, Tehsil Belgahna, District - Bilaspur, Chhattisgarh.(Claimant)
2. Himanshu Shyam S/o - Late Shri Naresh Shyam, Aged About 5 Years, Minor Represented Through Mother And Natural Guardian Smt. Nandini Shyam (Respondent No. 1), R/o Village - Lupha (Barbhantha) Belgahna, Police Station Kota, Tehsil Belgahna, District - Bilaspur, Chhattisgarh.(Claimant)
3. Ku. Prisha Shyam S/o - Late Shri Naresh Shyam, Aged About 4 Years, Minor Represented Through Mother And Natural Guardian Smt. Nandini Shyam (Respondent No. 1), R/o Village - Lupha (Barbhantha) Belgahna, Police Station Kota, Tehsil Belgahna, District - Bilaspur, Chhattisgarh.(Claimant)
4. Smt. Sukmatia W/o - Shri Rambilas Shyam, Aged About 46 Years, R/o Village - Lupha (Barbhantha) Belgahna, Police Station Kota, Tehsil Belgahna, District - Bilaspur, Chhattisgarh.(Claimant)
5. Rambilas S/o - Shri Sataav Singh, Aged About 51 Years, Minor Represented Through Mother And Natural Guardian Smt. Nandini Shyam (Respondent No. 1), R/o Village - Lupha (Barbhantha) Belgahna, Police Station Kota, Tehsil Belgahna, District - Bilaspur, Chhattisgarh.(Claimant)
6. Sajjad Ali S/o - Shri Shabbir Ali Aged About 33 Years Occupation - Driver, Address - Chatterjee Gali, Naya Sarkanda, Thana - Sarkanda, Tehsil And District - Bilaspur, Chhattisgarh.(Driver Of Vehicle Truck No. Cg 16 CI 3255)
7. Vinod Kumar Jaiswal S/o - Shri Ganesh Jaiswal Aged About 39 Years At/ C/o- Premlata Kewat, Ward No. 18, Near Bus Stand, Manendragarh, Police Station And Tahsil - Manendragarh, District - Koriya, Chhattisgarh.(Owner Of Vehicle Truck No. Cg 16 CI 3255)

---- Respondents

18.11.2022	Mr. R. N. Pusty, Advocate for the Appellant. Mr. Pranjal Agrawal, Advocate is present on behalf of Respondent Nos. 1 to 5. Heard on I.A. No. 02/2022, application for condonation of delay in filing the instant appeal. Upon due consideration and the reasons mentioned in the application, I.A. 02/2022 is allowed. Delay of 2 days in filing the instant appeal is condoned. Also heard on admission. Admit. Mr. Pranjal Agrawal would accept notice on behalf of Respondent Nos. 1 to 5. Learned counsel for the Appellant is directed to supply copy of the appeal to the counsel represented for respondent Nos. 1 to 5. Issue notice to the Respondent Nos. 6 & 7 on payment of PF as per Rule. Also heard on I.A. No. 01/2022, application for grant of stay. Appellant preferred instant appeal against the award dated 15.07.2022 passed by the 5th Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur (C.G.) in Motor Accident Claim Case No. 1011/2021 whereby learned Tribunal partly allowed the claim petition filed under Section 166 of Motor Vehicle Act and ordered that claimants are entitled for a total compensation of Rs. 20,95,682/- with interest @ 9% from 05.04.2021 till actual payment. Considering the facts and circumstances of the case, purely	

as an interim measure, it is direct that on appellant's depositing 75% of the awarded amount before the concerned Tribunal within 60 days, execution of the remaining part of the awarded amount shall remain stayed until further orders.

The amount so deposited by the applicant shall be disbursed to the respective respondents/claimants on their furnishing equivalent surety to the satisfaction of the concerned Tribunal.

Call for the Record.

List this case along with MAC Nos. 1126/2022 & 1281/2022.

Sd/-
(Rajani Dubey)
Judge

V/-