

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**M.A (C) No.1976 of 2019**

Regional Manager Cholamandlam General Insurance Company Ltd. 2nd Floor Simaran Tower, In Front Of Lic Building, Pandri, Raipur, Chhattisgarh, Through Branch Manager, Cholamandlam Ms General Insurance Company Ltd., Rahul Complex, Near Bajaj Showroom, Dhimrapur Chowk, Raigarh, Chhattisgarh.

---- Appellant

**Versus**

1. Smt. Malti Rathia W/o Late Malik Ram Rathia Aged About 32 Years R/o Village Rakshapali, Thana Bhupdeopur, Tahsil Kharsia, District Raigarh, Chhattisgarh.
2. Minor Chand Kumari Rathia D/o Late Malik Ram Rathia Aged About 4 Years Minors Through Their Natural Guardian, Mother Smt. Malti Rathia W/o Late Malik Ram Rathia, Aged About 32 Years, R/o Village Rakshapali, Thana Bhupdeopur, Tahsil Kharsia, District Raigarh, Chhattisgarh.
3. Minor Pushpa Rathia D/o Late Malik Ram Rathia Aged About 2 Years Minors Through Their Natural Guardian, Mother Smt. Malti Rathia W/o Late Malik Ram Rathia, Aged About 32 Years, R/o Village Rakshapali, Thana Bhupdeopur, Tahsil Kharsia, District Raigarh, Chhattisgarh.
4. Puranmati Rathia W/o Ghasia Ram Rathia Aged About 62 Years R/o Village Rakshapali, Thana Bhupdeopur, Tahsil Kharsia, District Raigarh, Chhattisgarh.
5. Ghasia Ram Rathia S/o Jodhiram Rathia Aged About 67 Years R/o Village Rakshapali, Thana Bhupdeopur, Tahsil Kharsia, District Raigarh, Chhattisgarh.
6. Sunil Kumar Dansena S/o Ramanuj Dansena Aged About 27 Years Occupation - Vehicle Owner, R/o Polytechnic Colony, Chakradhar Nagar, Raigarh, Chhattisgarh.,
7. Mukesh Kumar Dansena S/o Kartik Ram Dansena Aged About 31 Years R/o Village Tuntri, Thana And Tahsil Dabhra, District Janjgir-Champa, Chhattisgarh

---- Respondents

2	
25.11.2019	Shri Anshuman Rabra, counsel for the Appellant. Heard on admission. Admit. Issue notice to the Respondents on payment of PF as per rules. Also heard on I.A No.01/2019, an application for grant of stay.

Learned Counsel for the Appellant submits that on account of the accident occurred on 16.12.2017, a Claim Petition has been filed under Section 163-A of the Motor Vehicles Act, 1988. However, the Claims Tribunal has awarded the amount of compensation while entertaining the said application under Section 166 of the Act and therefore, the award impugned is liable to be stayed pending decision of this Appeal.

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

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 24.07.2019 passed by the 1<sup>st</sup> Additional Motor Accident Claims Tribunal, Raigarh in Claim Case No.116/2018 shall remain stayed till the next date of hearing, subject to the Appellant's depositing 50% of the award under Appeal before the concerned Executing Court within a period of two months from today.

Respondents No.1 to 5/Claimants shall be entitled to withdraw the same as per the terms and conditions mentioned in the award impugned, without furnishing any kind of security before the said Court.

It is made clear that if any of the conditions is violated, then this order shall lose its efficacy and the award impugned shall become executable forthwith.

Call for records of the concerned Tribunal and post this matter after five weeks for consideration of IA No.01/2019.

Sd/-  
(Sanjay Agrawal)  
JUDGE