

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.1892 of 2019

Vijay Kumar Pandey, S/o Panna Lal Pandey, Aged About 55 Years, R/o Village Lata, P.S. Takhatpur, District Bilaspur, Chhattisgarh (Driver of the offending Vehicle).

---- Appellant**Versus**

1. Smt. Kaushilya Devi, Wd/o Late Guru Prasad Dhuri, Aged About 52 Years, R/o Village Amora, P.S. Takhatpur, District Bilaspur, Chhattisgarh (Claimant).
2. Amit Kumar Dhuri, S/o Late Guru Prasad Dhuri, Aged About 17 Years, Minor, therefore, represented through Respondent No.1 Mother (Natural Guardian), R/o Village Amora, P.S. Takhatpur, District Bilaspur, Chhattisgarh (Claimant).
3. Motilal Kesharwani, S/o Pyarelal Kesharwani, R/o Village Puchheli, Tahsil Takhatpur, District Bilaspur, Chhattisgarh (Owner of the Vehicle).

---- Respondents

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07/11/2019	Shri Pravin Kumar Tulsyan, 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.1/2019, an application for grant of interim relief. Learned counsel for the Appellant submits that the present Appellant is not the registered owner of the vehicle in question and according to the RC Book (Ex.D-3), it is evident that his name was transferred on 14.01.2011 much after the occurrence of the accident. Therefore, no liability could be fastened upon the Appellant. In support he placed his reliance upon the decision rendered in the matter of

Naveen Kumar Versus Vijay Kumar and Others reported in (2018) 2

SCC 1.

Issue notice 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 19.09.2019 passed by the 3rd Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No.44/2015 shall remain stayed till the next date of hearing, subject to appellant's depositing a sum of Rs.50,000/-, apart from the statutory deposit of Rs.25,000/-, of the award under appeal before the concerned Executing Court within a period of two months from today.

The Respondent Nos.1 & 2/Claimants shall be entitled to withdraw the same, as per the observations made in the award impugned, without furnishing any kind of security before the concerned Executing Court.

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 the records of the Court below.

Post this matter after five weeks for consideration on I.A. No.1/2019.

Sd/-
(**Sanjay Agrawal**)
Judge