

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 2164 of 2019

- The New India Assurance Company Limited Through Its Divisional Manager, Divisional Office No. 2, Behind Jeewan Beema Office, Pandari, Raipur, Police Station Pandari, District Raipur, Chhattisgarh., (Non-Applicant No.3)

---- Appellant

Versus

1. Mahesh Das, S/o Bodhan Das Manikpuri, Aged About 50 Years, R/o Darchura, Police Station Simga, District Balauda Bazar-Bhatapara, Chhattisgarh., (Applicant No.1)
2. Dulari Bai, W/o Mahesh Das Manikpuri, Aged About 49 Years, R/o Darchura, Police Station Simga, District Balauda Bazar-Bhatapara, Chhattisgarh., (Applicant No.2)
3. Brajendra Singh Nayak, S/o Daryav Singh Nayak, C/o-M/s S.I.F.C. Logistic Private Limited, Door No. 9.66-42, Alladiwari Street, Kothapeta, Vijayvada, Andhra Pradesh Pin Code-520011 (Driver), (Non-Applicant No.1)
4. M/s S.I.F.C. Logistic Private Limited Through Venkat Prasad, Director, C/o-M/s S.I.F.C. Logistic Private Limited, Door No. 9.66-42, Alladiwari Street, Kothapeta, Vijayvada, Andhra Pradesh. (Registered Owner) Pin Code-520011, (Non-Applicant No.2)

---- Respondents

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09.03.2020	<p>Shri Dashrath Gupta, counsel for the appellant.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Issue notice to respondents, on payment of P.F. as per rules.</p> <p>Also heard on I.A.No. 01/2019, an application for grant of stay.</p> <p>Issue notice of this application also to the respondents, as per rules.</p> <p>Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 03.08.2019 passed by the Additional Motor Accident Claims Tribunal, Bhatapara, District Balauda Bazar, in Claim Case No. H-</p>

17/2016 shall remain stayed till the next date of hearing, in so far as the present appellant is concerned, subject to appellant's depositing 75% of the award under appeal, before the concerned Executing Court, within a period of 45 days from today.

Respondents No. 1 & 2/Claimants shall be entitled to withdraw the same as per the terms and conditions of the award impugned, without furnishing any kind of security before the concerned Executing Court.

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

Post this matter for consideration on I.A.No.01/2019 after 5 weeks.

Sd/-

(Sanjay S. Agrawal)
Judge