

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

Miscellaneous Appeal (C) No.2159 of 2019

The New India Assurance Company Limited, Through Its Branch Manager, Branch Office Beside SBI (Main Branch), Near Kewada Badi Bus Stand, Raigarh, Tahsil & District Raigarh, Chhattisgarh (Non-Applicant No.3).

---- Appellant**Versus**

1. Smt. Surato Bai, Wd/o Late Mangal Rathiya, Aged About 43 Years, Occupation Housewife, R/o Village Gadhkurri, P.S. Bhupdevpur, Tahsil & District Raipur, Chhattisgarh (Applicant No.1).
2. Sushila Rathiya, D/o Late Mangal Rathiya, Aged About 18 Years, Occupation Student, R/o Village Gadhkurri, P.S. Bhupdevpur, Tahsil & District Raipur, Chhattisgarh (Applicant No.2).
3. Jai Ram Rathiya, S/o Late Mangal Rathiya, Aged About 16 Years, Occupation Student, Minor Through his Mother Smt. Surato Bai Rathiya, Wd/o Late Mangal Rathiya (Respondent No.1), R/o Village Gadhkurri, P.S. Bhupdevpur, Tahsil & District Raipur, Chhattisgarh (Applicant No.3).
4. Anand Ram Rathiya, S/o Late Mangal Rathiya, Aged About 11 Years, Occupation Student, Minor Through his Mother Smt. Surato Bai Rathiya, Wd/o Late Mangal Rathiya (Respondent No.1), R/o Village Gadhkurri, P.S. Bhupdevpur, Tahsil & District Raipur, Chhattisgarh (Applicant No.4).
5. Shobha Ram Rathiya, S/o Late Mangal Rathiya, Aged About 6 Years, Minor Through his Mother Smt. Surato Bai Rathiya, Wd/o Late Mangal Rathiya (Respondent No.1), R/o Village Gadhkurri, P.S. Bhupdevpur, Tahsil & District Raipur, Chhattisgarh (Applicant No.5).
6. Faruk Ansari, S/o Mubarak Ansari, Aged About 27 Years, R/o Manpur, Police Station Ranka, & District Gadhwah (Jharkhand), (Driver) (Non-Applicant No.1).
7. Arun Gupta, S/o Ramnath Gupta, Address Gatpati Road Carrier, Jindal Road, Raigarh, Tahsil & District Raigarh, Chhattisgarh (Owner) (Non-Applicant No.2).

---- Respondents



1	
06/12/2019	<p>Shri Dashrath Gupta, counsel for the Appellant.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Issue notice to the Respondents on payment of P. F. as per Rules.</p> <p>Heard on I.A. No.1/2019, an application filed under Order 41 Rule 27 of the Code of Civil Procedure, 1908 seeking production of documentary evidence on record.</p> <p>Issue notice on this application also, as above,</p> <p>Heard on I.A. No.2/2019, an application for grant of stay.</p> <p>Issue notice on this application also, as above,</p> <p>Meanwhile, purely as an interim measures, it is directed that the effect and operation of the award impugned dated 19.07.2019 passed by the 1st Additional Motor Accident Claims Tribunal, Raigarh (C.G.) in Claim Case No.04/2019 shall remain stayed till the next date of hearing, subject to appellant's depositing 75% of the award under appeal before the concerned Executing Court within a period of 45 days from today.</p> <p>The Respondent Nos.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 concerned Executing Court.</p> <p>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.</p>



Call for the records of the Court below.

2026:CGHC17786

Post this matter after five weeks for consideration on
I.A. No.1/2019 & I.A. No.2/2019.

Sd/-
(Sanjay S. Agrawal)
Judge