

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.1979 of 2019

The New India Insurance Company Limited (Correct Name Assurance) Through Branch Manager, New India Insurance Company Limited, Infront Of Rajeev Plaza, Old Bus Stand, Bilaspur, District Bilaspur, Chhattisgarh. (Insurer Of Offending Vehicle Mazda No. M.H.12-F.C. 6252)

--- Appellant

Versus

1. Smt Rampyari Wd/o Late Vinod Kumar Sahu Aged About 28 Years R/o Village Salfa, Post Office Sargaon, Police Station Pathariya, District Mungeli, Chhattisgarh.
2. Aman Kumar S/o Vinod Kumar Sahu Aged About 6 Years Minor, Through Natural Guardian Mother Smt. Rampyari. R/o Village Salfa, Post Office Sargaon, Police Station Pathariya, District Mungeli, Chhattisgarh.
3. Manju D/o Late Vinod Kumar Sahu Aged About 4 Years Minor, Through Natural Guardian Mother Smt. Rampyari. R/o Village Salfa, Post Office Sargaon, Police Station Pathariya, District Mungeli, Chhattisgarh.
4. Hemlata D/o Late Vinod Kumar Sahu Aged About 1 Years Minor, Through Natural Guardian Mother Smt. Rampyari. R/o Village Salfa, Post Office Sargaon, Police Station Pathariya, District Mungeli, Chhattisgarh.
5. Smt. Fuleshwari Wd/o Awadhram Sahu Aged About 55 Years R/o Village Salfa, Post Office Sargaon, Police Station Pathariya, District Mungeli, Chhattisgarh. (Claimants)
6. Rajesh S/o Chaitram Ghagre, R/o Village Bhuli, Police Station Pandurana, District Chhindwada, Madhya Pradesh (Driver Of Offending Mazda No. M.H.-12-Fc-6252) (Non-Applicant No. 1)
7. Purushottam S/o Suratram Bhade, R/o Ajay Nagar Ambajari, District Nagpur, Maharashtra. (Owner Of Offending Mazda No. M.H.-12-F.C.-6252) (Non-Applicant No.2)

---- Respondents

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20.12.2019	Shri Pankaj Agrawal, 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. 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 03.09.2019 passed by the 1st Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.788/2018 shall remain stayed till the next date of hearing, subject to the Appellant's depositing a sum of Rs.20,00,000/- (Rupees Twenty Lacs only) of the award under Appeal before the concerned Executing Court within a period of 45 days 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.

Post this matter after five weeks for consideration on IA No.01/2019.

Sd/-

(Sanjay S. Agrawal)
JUDGE