

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A.(C) No. 2312 of 2019

- The New India Assurance Company Limited D - 1, Above Karnatka Bank, First Floor, Jail Road, Fafadih Chowk, Raipur Chhattisgarh. (Insurer Of Vehicle Truck No. C.G. 04 JC - 8546).

---- Appellant

Versus

1. Kumari Gayatri Sahu D/o Dinesh Sahu Aged About 20 Years R/o Near Kisan Rice Mill, Nevra, Thana Nevra, District Raipur Chhattisgarh. (Claimant)
2. Dashrath Ram Dhruv S/o Shriram Dhruv Aged About 35 Years R/o Village Godaghat, (Farhad), Thana Bhatapara Gramin, District Balodabazar Chhattisgarh. (Driver Of Vehicle Truck No. C.G. 04 JC - 8546)
3. Suman Sharma D/o Mahesh Kumar Sharma Aged About 33 Years R/o Mandi Road, Behind Shyam Dharmkanta, Tilda, Nevra, Thana Nevra, District Raipur Chhattisgarh. (Owner Of Vehicle Truck No. C.G. 04 JC- 8546)

---- Respondents

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19.02.2020	<p>Shri Sudhir Agrawal, 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>Also heard on I.A. No.01/2019, an application for grant of stay.</p> <p>Issue notice on this application also to the Respondents, as above.</p> <p>Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned award dated 05.09.2019 passed by Second Additional Motor Accident Claims Tribunal to the Court of First Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Claim Case No.551/2018 shall remain stayed till the next date of hearing in so far as the present Appellant is concerned, subject to Appellant's</p>

depositing a sum of Rs.3,70,000/- of the award under appeal before the concerned executing Court within a period of 45 days from today.

The Claimant/Respondent No. 1 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 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 record of the concerned Tribunal and post this matter after five weeks for consideration on I.A. No.01/2019.

Sd/-

(Sanjay S. Agrawal)
Judge