

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.2055 of 2019

United India Insurance Company Limited, by Divisional Office, Madina Building, Jail Road, Raipur, District Raipur, Chhattisgarh, Through Authorised Signatory, Manager, T.P. Hub, United India Insurance Company Limited, 2nd Floor, Gurukripa Towers, Vyapar Vihar Road, Bilaspur P.S. Civil Line, Tehsil & District Bilaspur, Chhattisgarh (Non-Applicant No.3).

---- Appellant**Versus**

1. Smt. Parwati Kurrey, Wd/o Late Ashwini Kurrey, Aged About 31 Years, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
2. Minor Ku. Gayatri Kurrey, D/o Late Ashwini Kurrey, Aged About 13 Years, Minors Through Natural Guardian Mother Parwati Kurrey Respondent No.1, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
3. Minor Kunal Kumar Kurrey, S/o Late Ashwini Kurrey, Aged About 7 Years, Minors Through Natural Guardian Mother Parwati Kurrey Respondent No.1, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
4. Minor Ku. Veena Kurrey, D/o Late Ashwini Kurrey, Aged About 4 Years, Minors Through Natural Guardian Mother Parwati Kurrey Respondent No.1, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
5. Shobharam Kurrey, S/o Late Baratu Ram Kurrey, Aged About 74 Years, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
6. Bodhnibai Kurrey, W/o Shobharam Kurrey, Aged About 65 Years, R/o Village Chhatera, Post Paragaon, P.S. & Tahsil Arang, District Raipur, Chhattisgarh (Claimant).
7. Amit Banjare, S/o Harmohan Banjare, Aged About 28 Years, R/o Village Ghodari, Post Birkoni, P.S. Mahasamund, Tehsil & District Mahasamund, Chhattisgarh (Driver).
8. Govind Dewangan, S/o Gulab Dewangan, Aged About 47 Years, R/o Purana Ravanbhantha, Ward No.12, Mahasamund, Tehsil & District Manasamund, Chhattisgarh (Owner).

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27/11/2019	Shri B. N. Nande along with Shri Priyanshu Gupta, counsel for the Appellant. Heard on I.A. No.1/2019, an application for condonation of delay of 10 days in filing the appeal. On due consideration and for the reasons assigned therein, I am inclined to allow the same. Accordingly, the said application is allowed and the delay of 10 days in filing the appeal is hereby condoned. I.A. No.1/2019, thus, stands disposed of. Also heard on admission. Admit. Issue notice to the Respondents on payment of P. F. as per Rules. Heard on I.A. No.2/2019, an application for grant of stay. Issue notice on this application also, as above. Meanwhile, purely as an interim measure, it is directed that the effect and operation of the impugned award dated 05.08.2019 passed by the 1st Additional Motor Accident Claims Tribunal, Mahasamund (C.G.) in Claim Case No.H-25/2018, 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. The Respondent Nos.1 to 6/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.

It is made clear that if any of the condition is violated, then this interim 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.2/2019.

Sd/-
(Sanjay S. Agrawal)
Judge