



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Miscellaneous Appeal (C) No.2084 of 2019

IFFCO Tokio General Insurance Company Limited, 205, 2nd Floor, M.M. Silver Plaza, in front of Udhog Bhawan, Near Mining Office, Ring Road No.1, P.S. Telibanda, Raipur, District Raipur, Chhattisgarh (Insurer).

---- Appellant

Versus

1. Santosh Kumar, S/o Shri Bhodan Verma, Aged About 44 Years, R/o Village Rawan, P.S. Rawan, District Balodabazar, Chhattisgarh (Claimant).
2. Pramila Bai, W/o Shri Santosh Kumar Verma, Aged About 43 Years, R/o Village Rawan, P.S. Rawan, District Balodabazar, Chhattisgarh (Claimant).
3. Kumari Anjali, D/o Shri Santosh Kumar Verma, Aged About 17 Years, Minor Through Natural Guardian Father Santosh Kumar Verma, R/o Village Rawan, P.S. Rawan, District Balodabazar, Chhattisgarh (Claimant).
4. Sanjay S/o Shri Santosh Kumar, Aged About 15 Years, Minor Through Natural Guardian Father Santosh Kumar Verma, R/o Village Rawan, P.S. Rawan, District Balodabazar, Chhattisgarh (Claimant).
5. Santram Verma, S/o Heeradhar Verma, R/o Village Rawan, P.S. Rawan, District Balodabazar, Chhattisgarh (Owner).

---- Respondents

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29/11/2019	Shri P. R. Patankar, counsel for the Appellant. Heard on admission. Admit.



Issue notice to the Respondents on payment of P. F as per Rules: 13705

Also heard on I.A. No.1/2019, an application for grant of stay.

Learned counsel for the Appellant submits that the learned Claims Tribunal by placing its reliance upon the statement of eye witness Gajendra Verma, has erred in holding that the deceased Rohit Kumar Verma was responsible for the alleged accident. However, it was stated by him very specifically that the alleged offending vehicle Motorcycle was infact dashed by some unknown vehicle. While referring to the First Information Report (FIR) and the charge sheet submits further that on account of the alleged accident, the offence has been registered against the driver of some unknown vehicle, however, without taking note of it, such a finding has been recorded by the Tribunal.

Let notice be issued 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 13.09.2019 passed by the 4th Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Claim Case No.796/2015, shall remain stayed till the next date of hearing subject to appellant's depositing 50% of the award under appeal before the concerned Executing Court within a period of 45 days from today.

The Respondent Nos.1 to 4/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.1/2019.

Sd/-
(**Sanjay S. Agrawal**)
Judge