



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 2207 of 2019

- New India Insurance Company Through Branch Manager, Office Banaras Road, Amikapur, District Sarguja Chhattisgarh,

---- Appellant

Versus

1. Dhaneshwar Prasad Prajapati, S/o. Late Baijnath Prasad, Aged About 43 Years, Resident Of Village- Keshav Nagar, House No. 28, Tehsil Surajpur, District Surajpur Chhattisgarh,
2. Smt. Janki Devi, W/o Dhaneshwar Prasad Prajapati, Aged About 39 Years, Resident Of Village- Keshav Nagar, House No. 28, Tehsil Surajpur, District Surajpur Chhattisgarh, (Claimants)
3. Dayashankar Yadav, S/o Late Balgovind Yadav, Aged About 47 Years, Resident Village Gaurakhnathpur, Thana Jainagar, District Surajpur Chhattisgarh (Owner Of Vehicle),
4. Bhola Vishwakarma, S/o Jawahir, Aged About 30 Years Resident Village Kashavnagar, Thana Vishrampur, District- Surajpur Chhattisgarh (Driver Of Vehicle),

---- Respondents

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15.01.2020	Shri Sudhir Agrawal, counsel for the appellant. Heard on admission. Admit. Issue notice to the respondents on payment of P.F. as per rules. Also heard on I.A.No.01/2019, an application for grant of stay. Shri Sudhir Agrawal, learned counsel for the appellant, while inviting attention to paragraph 12 of the award impugned, submits that the Claims Tribunal, while entertaining Issue No.2, has arrived at a very specific conclusion that the vehicle in question was being used in violation of the insurance policy, yet the entire liability has been fastened upon the appellant/insurance company. The



award impugned is, therefore, liable to be stayed.

Let notice be issued 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 16.09.2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Surajpur, in Motor Accident Claim Case No. 80/16 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 respondents No.1 & 2/Claimants shall be entitled to withdraw the same while furnishing security to the satisfaction of the concerned Executing 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.

Call for the record of the Claims Tribunal and post this matter for consideration on I.A.No.01/2019 after five weeks.

(Sanjay S. Agrawal)
Judge