

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 2060 of 2023**

1 - Bajaj Allianz General Insurance Company Limited, Through The Incharge Officer, Bajaj Allianz General Insurance Company Limited, Shivmohan Bhawan, Pandritarai, Raipur, District- Raipur, Chhattisgarh (Insurer of Motorcycle No. CG -10-A Q- 8319)

---- Appellant

Versus

1 - Smt. Priya Singh W/o Late Shri Vinod Singh @ Vinod Kumar Singh, Aged About 32 Years, R/o Rameshwar Nagar, Bhanpuri, Birgaon, Raipur, Tahsil and District- Raipur, Chhattisgarh.

2 - Shreya Singh D/o Late Vinod Singh @ Vinod Kumar Singh, Aged About 9 Years Minor Represented Through Natural Guardian Mother Smt. Priya Singh, R/o Rameshwar Nagar, Bhanpuri, Birgaon, Raipur, Tahsil and District- Raipur, Chhattisgarh.

3 - Shrishti Singh D/o Late Vinod Singh @ Vinod Kumar Singh, Aged About 7 Years Minor Represented Through Natural Guardian Mother Smt. Priya Singh, R/o Rameshwar Nagar, Bhanpuri, Birgaon, Raipur, Tahsil and District- Raipur, Chhattisgarh.

4 - Shivay Singh S/o Late Vinod Singh @ Vinod Kumar Singh, Aged About 2 Years Minor Represented Through Natural Guardian Mother Smt. Priya Singh, R/o Rameshwar Nagar, Bhanpuri, Birgaon, Raipur, Tahsil and District- Raipur, Chhattisgarh.

5 - Mohammad Umar S/o Mohd. Majhar, Aged About 20 Years, R/o Pakdi Pakoi, P.O. Patahi, P.S. Karanja, Bihar, District- Mujafarpur, At Present R/o Bilha Turning Tire Puncture Shop, P.S. - Hirri, Bilaspur, District- Bilaspur, Chhattisgarh (Driver of Motorcycle No. CG -10-A Q- 8319)

6 - Jayprakash Patle S/o Mayaram Patle, Aged About 28 Years, R/o Ward No. 8, Satnamipara, Village- Patthar Khan Post Office- Bilha, District- Bilaspur, Chhattisgarh (Owner Of Motorcycle No. CG -10-A Q- 8319)

---- Respondents

(Cause-title taken from Case Information System)

20/02/2024	Mr. Sangeet Kumar Kushwaha, Advocate for the appellant.

Mr. Akhtar Hussain, Advocate for respondents No.1 to 4.

Issue notice to respondents No.5 and 6 by ordinary as well as registered mode of service.

Heard on I.A. No.1/2023 which is an application for grant of stay.

Learned counsel for the appellant would submit that the involvement of the vehicle in the alleged accident is doubtful as the report has been lodged after about 6 days. The driver of the offending vehicle was not having valid and effective driving licence, therefore there is breach of policy condition and the insurance company is not liable to pay any compensation amount. The amount awarded to the claimants is on higher side and therefore, the effect and operation of the impugned award dated 23-09-2023 may be stayed.

On the other hand, learned counsel for respondents No.1 to 4/claimants has opposed.

On due consideration, I.A. No.1/2023 is allowed and it is ordered that effect and operation of the impugned award dated 23.09.2023 shall remain stayed till the next date of hearing on appellant's deposit 70% of the awarded amount along with interest with the Tribunal within 45 days from today. The claimants are entitled to withdraw the amount so deposited by the insurance company after furnishing due surety and also in terms of para 109 of the impugned award and in its proportion.

List this case after service of notice upon respondents No.5 and 6.

Sd/-
(Ravindra Kumar Agrawal)
Judge