

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 2148 of 2019

New India Insurance Company Ltd. (Correct Name As Assurance) Ambika Transport Complex Ambedkar Chowk, Varanasi Road, Ambikapur, District Surguja Chhattisgarh.
-----Appellant

Versus

1. Santosh Banjara S/o Rowan Ram Aged About 23 Years Caste Ghasiya, R/o Village Bartikala, Chowki Wadraf Nagar, District Balrampur Chhattisgarh, Presently Residing At Pratappur Forest Colony, Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh.
2. Bihari Uraon S/o Mahesh Urao, R/o Village Farhiya (Nagdarwa), Police Station Gadhawa, District Gadhwa (Jharkhand).
3. Balvinder Singh Grewal S/o Jagjit Singh Grewal Aged About 29 Years R/o H.N. 118, Balaji Green City Heerapur, Tatibandh Raipur Chhattisgarh.

--- Respondents

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06.12.2019	Shri Pankaj 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. 1/2019, an application for grant of stay. Learned counsel for the Appellant submits that the accident occurred on 09.07.2018 and much prior to that the alleged Insurance Policy has been cancelled on 21.05.2018 as the cheque issued by the insured for the said purpose was dishonored by the concerned Bank. It is contended further that on 05.06.2018, a communication regarding the alleged cancellation of the policy was issued to the insured by way of registered post, yet the Claims Tribunal has fastened the liability upon the Insurance Company on finding that the insured was not aware regarding

the cancellation of the alleged policy. He, therefore, prays for staying the effect and operation of the award impugned pending decision of this appeal.

Let notice be issued on this application also to the Respondents, as above.

Meanwhile, purely as an interim measure, it is directed that the effect and operation of the award impugned dated 05.09.2019 passed by Additional Motor Accident Claims Tribunal, Pratappur, District Surajpur in Claim Case No.88/2018 shall remain stayed till the next date of hearing, in so far as the present Appellant is concerned, 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 No. 1/Claimant 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 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 records of the concerned Tribunal.

Post this matter after 5 weeks for consideration on I.A. No. 1/2019 .

Sd/-
(Sanjay S. Agrawal)
JUDGE