

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MAC No. 15 of 2024

United India Insurance Company Limited, Through Branch Manager, Having Office At- Station Road, Paras Complex, Near Gurudwara, Durg, Ps- Mohan Nagar, Durg, Tehsil And District- Durg (C.G.),...(Non-Applicant No. 3),(Insurer)

---- Appellant

Versus

1 - Ramkumar Yadav, S/o Shri Nakul Yadav, Aged About 32 Years, R/o Village- Kharra, Ps- Teligundra, Tehsil- Patan, District- Durg (C.G.),....
(Applicant No.1), (Claimant)

2 - Smt. Sarita Yadav, W/o Ramkumar Yadav, Aged About 30 Years R/o Village- Kharra, Ps- Teligundra, Tehsil- Patan, District - Durg (C.G.),....
(Applicant No. 2), (Claimant)

3 - Bhupesh Kumar Vishwakarma, S/o Shri Rajkumar Vishwakarma, Aged About 23 Years, R/o Dhaurabhatha, Ward No. 9, Post- Fekari, Ps- Utai, District- Durg (C.G.),....
(Non-Applicant No. 1), (Driver)

4 - Smt. Madri, W/o Shri Dhavendra Kumar, Aged About 40 Years, R/o Village- Parsahi, Ward No. 3, P.s.- Utai, District- Durg (C.G.)(Non-Applicant No. 2),(Owner)

---- Respondents

19.01.2024	Mr. Abhishek Vinod Deshmukh, Counsel for the Appellant. Mr. Anand Dadariya, Advocate appears along with Ms. Harneet Kaur Khanuja on behalf of Respondents No.1 and 2, on caveat. Heard on I.A. No.02, an application for condonation of delay of 39 days in filing of this appeal. Learned Counsel appearing for the Appellant submits that after passing of the award under appeal, the certified copy was obtained by the concerned Advocate on 22/08/2023, and thereafter, it was forwarded by him to the T.P. Cell office of the Company vide letter dated 24/08/2023, which was received

by the concerned office on 28/08/2023. It is contended further that during the said period, the office was engaged in preparation of Lok Adalat matters which was to be held on 09/09/2023 and thereafter, the file was examined by the concerned department, and an opinion was sought from the concerned Panel Advocate of the High Court and after obtaining the opinion, the file was sent to the Regional Office for approval for filing the appeal against the award impugned which, however, took some time, but, there was no deliberate delay, therefore, the delay which has been occurred bonafidely be condoned, in the interest of justice.

On the other hand, learned Counsel appearing for Respondents No.1 and 2/Claimants have raised an objection orally by saying that since the reasons for condonation of delay has not been explained satisfactorily, therefore, the application deserves to be rejected.

Having considered the aforesaid contention of the parties, considering further the reasons assigned in the application, which is duly supported by an affidavit, I am inclined to allow the same.

I.A. No.02, thus, stands disposed of.

Also heard on admission.

Admit.

Issue notice to Respondents No.3 and 4 only, on payment of P.F., as per rules.

Heard on I.A. No.01, an application for staying the effect and operation of the award impugned dated 10/08/2023 passed by the Motor Accidents Claims Tribunal, Durg, District- Durg (C.G.) in Claim Case No.228/2022, pending decision of this appeal.

On due consideration, the application is allowed and, it is directed that the effect and operation of the award impugned dated 10/08/2023 passed by the Motor Accident Claims Tribunal, Durg, District- Durg (C.G.) in Claim Case

No.228/2022, shall remain stayed, until further orders, subject to Appellant's depositing 50% of the award under appeal before the concerned Executing Court/ Tribunal within a period of 45 days from today.

The Respondents No.1 and 2/Claimants shall be entitled to withdraw the same, as per the terms and conditions mentioned in the award impugned.

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.

I.A. No.01, thus, stands disposed of.

Call for record of the Claims Tribunal.

Post this matter after five weeks for further order.

Sd/-
(Sanjay S. Agrawal)
Judge