



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.A (C) No.08 of 2020

Branch Manager United India Insurance Company Limited Branch Office, Second Floor, Gurukripa Towers, Adjacent To I.C.I.C.I. Bank Vyapar Vihar Road, Bilaspur Tahsil And District Bilaspur, Chhattisgarh. Through Authorised Signatory, Manager, T.P. Hub, United India Insurance Company Limited, 2nd Floor Gurukripa Towers, Vyapar Vihar Road, Bilaspur, Police Station Civil Line Tahsil And District Bilaspur, Chhattisgarh. --- **Appellant**

Versus

1. Kamla W/o Pyarelal Seth Aged About 48 Years R/o Village Kukarda Post Kukarda Tahsil And District Raigarh, Police Station Chakradhar Nagar District Raigarh, Chhattisgarh Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh.
2. Pyarelal Seth S/o Alekhram Seth Aged About 49 Years R/o Village Kukarda Post Kukarda Tahsil And District Raigarh, Police Station Chakradhar Nagar District Raigarh, Chhattisgarh Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh.
3. Minor Ku. Garima Seth D/o Alekhram Seth Aged About 9 Years Through Guardian Natural Mother Kamla W/o Pyarelal Seth, R/o Village Kukarda Post Kukarda Tahsil And District Raigarh, Police Station Chakradhar Nagar District Raigarh, Chhattisgarh Presently Residing At Masturi, Police Station Masturi, District Bilaspur, Chhattisgarh.
4. Sen Kumar Mahant S/o Pitambar Das Mahant Aged About 34 Years R/o Dokarbuda Post Chharratagar Tahsil Chharratagar Police Station Punjipathra District Raigarh, Chhattisgarh. (Driver Of The Offending Vehicle No. Cg 13 Q 0686), District : Raigarh, Chhattisgarh
5. Abhishek Singh S/o Shri Rajkishore Singh R/o Adjacent To State Bank Of India Raigarh District Raigarh, Chhattisgarh. (Owner Of The Offending Vehicle No. Cg 13 Q 0686), District : Raigarh, Chhattisgarh

---- **Respondents**

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06.01.2020	<p>Shri BN Nande, counsel for the Appellant.</p> <p>Heard on IA No.02/2019, an application for exemption from filing the certified copy of the order passed under Section 170 of the Motor Vehicles Act, 1988.</p> <p>On due consideration of the reasons mentioned therein and in view of the principles laid down in the matter of United India Insurance Co. Ltd. Vs. Shila Dutta reported in <u>2011 ACJ 2729 (SC)</u></p>



followed in 2014 ACJ 2396 in the matter of **Bajaj Alliance General Insurance Co. Ltd. vs. Kamla Sen and others**, I am inclined to allow the same and the Appellant is exempted from filing the certified copy of the order passed under Section 170 of the Motor Vehicles Act.

IA No.2/2019, thus stands disposed of.

Heard on admission.

Admit.

Issue notice to the Respondents on payment of PF as per rules.

Also heard on I.A No.01, an application for grant of stay.

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 dated 14.11.2019 passed by the 2nd Additional Motor Accident Claims Tribunal, Bilaspur in Claim Case No.210/2019 shall remain stayed till the next date of hearing, subject to the Appellants' depositing 75% of the award under Appeal before the concerned Executing Court within a period of 45 days from today.

Respondents No.1 to 3/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 said 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 records of the concerned Tribunal and post this matter after five weeks for consideration of IA No.01.

Sd/-

(Sanjay S. Agrawal)
JUDGE