

**Misc. Appeal No.95 of 2023**

## Versus

- ## Respondents

**CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY**

: Mr. Arvind Kumar Lall, Advocate

For the Respondent Nos.1 - 4 : Mr. Suraj Prakash, Advocate

For the Respondent No.5 : Mr. Ashutosh Anand, Advocate

**Order No.12 / Dated : 17.10.2025**

**I.A. No.13847 of 2025**

Heard learned counsel in I.A. No.13847 of 2025 has been filed under Order XLI Rule V (I) read with Section 151 of the CPC for staying the execution proceedings in Execution Case No.16/2025 pending in the Court of learned Presiding Officer, Motor Vehicle Accident Claims Tribunal, Hazaribagh.

Instant appeal is filed against the judgment and award of compensation in Motor Accident Claim Case No.80 of 2016, whereby and whereunder compensation of Rs.10,90,600/- has been awarded under Section 166 of the Motor Vehicle Act and liability has been fixed on the owner of the vehicle to pay the compensation amount.

It is submitted by the learned counsel on behalf of the appellant/owner of the offending vehicle that it was under insurance cover of respondent no.5 and the learned tribunal recorded a finding that there had not been any breach of terms of insurance policy despite this, liability has been fastened on the owner of the offending vehicle for the death of the Khalasi of the tractor at the relevant time of accident.

The proceedings in the execution case is stayed.

I.A. No.13847 of 2025 is disposed of.

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Notices on all the respondents have been served and they have appeared except driver of the offending vehicle (respondent no.6). Appearance of respondent no.6 is dispensed with as he is not a necessary party.

Admit.

Call for Lower Court Records from the Court concerned.

Let this case be listed on 13.11.2025.

**(Gautam Kumar Choudhary, J.)**

Anit

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