

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Appeal No. 613 of 2001

Dwarika Nath Sulakhe S/o Shri Bheekhranj (Shivraj), Aged about 24 years, Occupation Labour

---- Appellant

Versus

1. M. M. Shivanandan @ Jamlu S/o Shri M. M. Swami, Aged about 28 years, Occupation – Taxi owner & Driver, R/o station Chowk, Dist. Durg, CG
2. The Oriental Insurance Company limited, Bhilai through the Oriental Insurance Company Limited, Matriya Nagar, Durg, Distt. Durg, Chhattisgarh

---- Respondents

For Appellant	:	Shri P. P. Sahu, Advocate
For Respondent No.2	:	Shri Raj Awasthi, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

05/08/2015

Present is an appeal filed under Section 173 of Motor Vehicles Act, 1988 challenging the award dated 02.05.2001 passed by the Motor Accident Claims Tribunal, Durg whereby the Tribunal has rejected the claim application of the appellant and has given liberty to the respondent No.2, the Insurance Company for recovering the amount of interim relief granted to the claimant by the Claims Tribunal.

2. The present appeal is of the year 2001 and there is an interim order passed in favour of the appellant on 18.04.2002 against the recovery to be made by the Insurance Company from the appellant.

3. Counsel appearing for respondent No.2 Insurance Company very fairly states that by efflux of time i.e. almost 15 years, the Insurance Company now may not be interested to pursue the

directives given by the Claims Tribunal for recovery of the amount granted to the appellant by way of the interim award.

4. On the said statement made by the counsel for the Insurance Company, counsel for the appellant submits that if the Insurance Company will not pursue the directives given by the Tribunal in the impugned award, the appellant may not pursue the appeal itself.

5. In view of the submission made by the counsel for the parties, the present appeal is disposed of at this juncture holding that the Insurance Company shall not pursue recovery of the amount granted to the appellant by way of interim award any further and the Appellant shall also not raise any further claim.

6. Accordingly, the instant Misc. Appeal stands disposed of.

7. No order as to cost.

Sd/-
(P. Sam Koshy)
JUDGE