

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 885 of 2017

The New India Insurance Co. Ltd. By Divisional Manager Divisional Office, Kachahari Chowk Jail Road, Raipur Chhattisgarh.

---- Applicant

Versus

1. Narendra Pal S/o Chandrabhushan Pal, Aged About 45 Years R/o Mana Camp Tahsil And District Ripur, Chhattisgarh.
2. Babool Das @ Babul Das S/o Niwaran Das Aged About 36 Years R/o P.V. 90, P.S Pakhanjur, Post Nagaldand, District Kanker Chhattisgarh.

---Respondents

For Applicant : Mr. Sudhir Agrawal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/12/2017

1. Heard on I.A. No.1, which is an application for condonation of delay.
For the reasons assigned in the application and finding them to be satisfactory, I.A. No.1 is allowed and delay of 16 days in filing the present MCC stands condoned.
2. The present MCC has been filed seeking for modification of the award dated 25.09.2017, passed in MAC No. 51/2006.
3. Counsel for the applicant submits that the appeal preferred by the Insurance Company challenging the same award was registered as MAC No. 921/2006, which was allowed in favour of the Insurance Company on 20.08.2014 and vide the said order the Insurance Company was exonerated of its liability.
4. This fact was not brought to the notice of this Court by the Insurance Company or for that matter the counsel appearing for the Claimant while deciding MAC No. 51/2006.

5. Considering the fact that the appeal of the Insurance Company has already been allowed by the Coordinate Bench of this Court, this Court is of the opinion that prima facie strong case has been established by the present applicant calling for modification of the impugned award.
6. Thus the impugned award stands modified to the extent that the liability of payment of the enhanced amount of Rs.10,000/- as awarded by this Court shall now be paid by the Owner and if there is a default on the part of the Owner, the Claimant shall initiate appropriate recovery proceedings against the Owner.
7. With the aforesaid modification, the MCC stands allowed.
8. Let a copy of this order be made part of the record of MAC No. 51/2006.

Sd/-
(P. Sam Koshy)
Judge

Ved