

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 555 of 2019**

1. Tarachand Patel, aged about 45 years, Son of Tularam Patel, Resident of village Barpali, Police Station Katraroad, Tahsil Raigarh, District Raigarh, Chhattisgarh. (Owner)
2. Ritesh Patel, aged about 26 years, Son of Tarachand Patel, Resident of Village Barpali, Police Station Katraroad, Tahsil Raigarh, District Raigarh, Chhattisgarh. (Driver)

---- Petitioners**Versus**

1. Smt. Shashikala Patel, Wife of Tejram Patel, aged about 40 years, Resident of Jaimura, Tahsil Kharsia, District Raigarh, Taluka Kharsia, District Raigarh, Chhattisgarh.
2. Sunil Kumar Patel, Son of Tejram Patel, aged about 25 years, Jaimura, Tahsil Kharsia, District Raigarh, Taluka Kharsia, District Raigarh, Chhattisgarh. (Claimants)
3. I.C.I.C.I. Lombard, General Insurance Company, at Head Office Ground and 4th floor Interface 11 office Nu. 401 and 402, New Lining Road, Malak West Mumbai, 400064, Through the Branch Mangar, I.C.I.C.I. Lombard, General Insurance Company, Devendra Nagar, Raigarh, District Raigarh, Chhattisgarh. (Insurer)

--- Respondents

For Petitioners : Mr. Ajeet Kumar Yadav, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12.07.2019**

1. Petitioners herein are the owner and the driver of the vehicle, against whom the award has been passed by learned First Additional Motor Accident Claims Tribunal, Raigarh on 17/09/2018, against which they filed Miscellaneous Appeal (C) No. 1544/2018 (*Tarachand Patel & Anr. Vs. Smt. Shashikala Patel & Ors.*), which is pending consideration before this Court. In the meanwhile, execution proceeding has been initiated by learned Claims

Tribunal against the petitioners in M.A.C.T. Execution No. 03/2018, being aggrieved of which the petitioners have preferred this writ petition under Article 227 of the Constitution of India.

2. Learned counsel for the petitioners submits that during the pendency of the miscellaneous appeal before this Court, the award cannot be executed and thus, execution proceeding cannot be carried on by the learned Claims Tribunal.
3. I have heard learned counsel for the petitioners, considered his submissions and went through the record with utmost circumspection.
4. In my considered opinion, there is no bar for the Claims Tribunal to proceed with the execution of the award. Petitioner is at liberty to press their application for grant of stay in the miscellaneous appeal preferred by them before this Court.
5. With the aforesaid observation, this writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge