



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/180/2023

National Insurance Co. Ltd.

Represented by Shri Ashish Keshan, the Branch Manager, National Insurance Co. Ltd., North Lakhimpur Branch, District Lakhimpur, Assam.

VERSUS

Charmanath Rabha and 4 Ors.

Son of Tulindra Rabha, Village Natun Balijan, Post Office Batonipam, Police Station Silapather, District Dhemaji, Assam. 2:Smti Putoli Rabha

Age: 0

Occupation :

Wife of Shri Charmanath Rabha

Village Natun Balijan

Post Office Batonipam

Police Station Silapather

District Dhemaji

Assam.

3:Amrit Gurung

Age: 0

Occupation :

Son of Singha Bor Gurung

Post office and Police Station Telam

District Dhemaji

Assam.

4:Raju Gurung

Age: 0

Occupation :

Son of Late Shyam Bahadur Gurung

Resident of Bomdila Bazar line

Post Office and Police Station Bomdila
District West Kameng
Arunachal Pradesh.

5:Tashi Wangchu
Age: 0
Occupation :
(P.A Holder) M/s Tenzin Enterprise
Post office and Police Station Kaying
District Siang
Arunachal Pradesh

Advocate for the Petitioner : M K Neog, Mr. H. P. Phukan

Advocate for the Respondent :

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.08.2024

Heard Mr. H. P. Phukan, learned counsel for the applicant.

2. This application has been filed by the applicant Insurance Company for staying of execution of the judgment and award dated 31.05.2023 passed by the learned Member, Motor Accident Claims Tribunal, Aalo, West Siang District in Motor Accident Claim Case No. 02/2020, during the pendency of the MAC Appeal No. 06(AP)2023, which has been filed by the present applicant impugning the aforesaid judgment and award.

3. The learned counsel for the applicant has submitted that the applicant Insurance Company has impugned the aforesaid judgment and award on the ground that though the claimants have failed to prove rash and negligence of

the driver of the offending vehicle, same was not considered by the Motor Accident Claims Tribunal while awarding the impugned compensation in favour of the claimant. It is also submitted by the learned counsel for the applicant that there is some wrong calculation of interest in computing the total awarded amount.

4. On a specific query by this Court, he submits that the claimants have already instituted execution case, executing the impugned judgment and award and the Insurance Company is ready to deposit 50% of the awarded amount if the execution of the impugned judgment and award is stayed.

5. Considering the submissions made by the learned counsel for the appellant, the notice to the respondents is hereby waived and this interlocutory application is allowed by staying the execution of the judgment and award dated 31.05.2023 passed by the learned Member, Motor Accident Claims Tribunal, Aalo, West Siang District in Motor Accident Claim Case No. 02/2020, during the pendency of connected MAC Appeal No. 06(AP)2023, subject to deposit of 50% of the awarded amount by the applicant Insurance Company to the Registry of this Court, within a period of 6 (six) weeks from the date of this order.

6. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant