

GAHC010010852024



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

Linked Case : **I.A.(Civil)/1906/2024**
In MAC App. No. 311/2024

MAGMA HDI GEN INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT MAGMA HOUSE NO. 24
PARK STREET
KOLKOTTA- 700016 AND BRANCH OFFICE AT 2ND FLOOR
F-FORT
SOUTH SARANIA
ULUBARI
G.S. ROAD
GUWAHATI ASSAM- 781007.

VERSUS

KABITA GOENKA AND 4 ORS (B)
W/O SRI SANJAY KUMAR GOENKA
R/O A.T ROAD
NEAR BOI BANK
P.O. AND P.S.- BARBARUAH
DIST.- DIBRUGARH
ASSAM
PIN- 786007.

2:MANVI GOENKA
D/O SRI SANJAY KUMAR GOENKA

R/O A.T ROAD
NEAR BOI BANK
P.O. AND P.S.- BARBARUAH
DIST.- DIBRUGARH
ASSAM
PIN- 786007.

3:KHUSHI GOENKA
D/O SRI SANJAY KUMAR GOENKA

R/O A.T ROAD
NEAR BOI BANK
P.O. AND P.S.- BARBARUAH
DIST.- DIBRUGARH
ASSAM
PIN- 786007.
4:RISHIRAJ KHANIKAR
S/O LATE DILIP KHANIKAR

VILL.- DEHAJAN JURIA GAON
DEHAJAN HABI
DAKSHIN PACHIMPARA JHILO
P.O.- DEMOW
DIST.- SIVASAGAR
ASSAM
PIN- 785662.
5:DEBOJIT KALITA
S/O SRI BHABA KANTA KALITA

R/O MORAN TOWN
P.O.- MORAN
DIST.- DIBRUGARH
ASSAM
PIN- 785670.

Advocate for : MR. R GOSWAMI

Advocate for : appearing for KABITA GOENKA AND 4 ORS (B)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

24-06-2024

Heard Shri R. Goswami, learned counsel for the applicant/appellant, who by means of this application has prayed for stay of the operation of the impugned judgment and award dated 05.08.2023 passed by the learned Member, Motor Accident Claims Tribunal, Dibrugarh, Assam in MAC Case No. 36 of 2022.

The connected appeal has been admitted today.

Shri Goswami, the learned counsel has informed that the entire awarded amount has been deposited in the Registry of this Court.

Considering the above aspect, this Court directs that pending disposal of the appeal, the impugned judgment and award dated 05.08.2023 passed by the learned Member, Motor Accident Claims Tribunal, Dibrugarh shall remain suspended.

Shri Gupta, learned counsel makes a prayer for release of the amount in question. He has also contended that since the amount which has been deposited in the Registry would be in a current account which would not accrue any interest, the aforesaid aspect should also be considered by this Court.

After hearing, it is directed that 50% of the award presently be released to the respondent no. 1 on being duly identified by her counsel. The aspect of the interest which would be considered at the appropriate stage.

IA stands disposed of.

JUDGE

Comparing Assistant