

GAHC010012082023



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

Case No. : I.A.(Civil)/1816/2024

UNITED INDIA INSURANCE CO LTD.
HAVING ITS REGISTERED OFFICE AT 24
WHITES ROAD CHENNAI AND ONE OF THE REGIONAL OFFICE AT GS
ROAD
GUWAHATI 781005.

VERSUS

POLLOBI @PALLABI SAIKIA AND 5 ORS.
W/O LATE HARI PRASAD NEOG
RESIDENT OF KAKOJAN
DULIAGAON
PO AND PS TEOK
DIST JORHAT
ASSAM 785112

2:MASTER ANIRBAN KAWSHIK NEOG
S/O LATE HARI PRASAD NEOG

RESIDENT OF KAKOJAN
DULIAGAON
PO AND PS TEOK
DIST JORHAT
ASSAM 785112

3:SMTI ANA NEOG
MOTHER OF LATE HARI PRASAD NEOG

RESIDENT OF KAKOJAN
DULIAGAON
PO AND PS TEOK

DIST JORHAT
ASSAM 785112

4:PRAMOD CH NEOG
FATHER OF LATE HARI PRASAD NEOG

RESIDENT OF KAKOJAN
DULIAGAON
PO AND PS TEOK
DIST JORHAT
ASSAM 785112

5:SRI SUJIT BARUAH
S/O DINAMONI BARUAH
RESIDENT OF MISSION ROAD TINIALI
PO TEOK
PS MARGHERITA
DIST TINSUKIA
ASSAM 786181

6:ABIDUR RAHMAN
S/O SULEMAN ALI

RESIDENT OF HARMATI
PS AND DIST NAGAON
ASSAM 762001

Advocate for : MR. K K BHATTA

Advocate for : MR. A BHATTACHARYYA (r-1

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4) appearing for POLLOBI @PALLABI SAIKIA AND 5 ORS.

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.08.2024

Heard Mr. K.K. Bhatta, learned counsel for the applicant and Mr. A. Bhattacharyya, learned counsel for the opposite party Nos. 1 – 4.

2. This interlocutory application is preferred by the applicant, United India Insurance Company Limited for staying the operation of the judgment and award

dated 01.10.2022, passed by learned Member, MACT No. 2, Kamrup, in MAC Case No. 1943/2019.

3. It is to be noted here that vide impugned judgment and award dated 01.10.2022, the learned trial court had directed the applicant, United India Insurance Company Limited to pay a sum of Rs. 67,34,360/- together with 7.5% interest from the date of filing of the petition, i.e. 05.08.2019, till realization.

4. It is also to be noted here that the connected appeal has already been admitted and the record has already been called for.

5. The learned counsel for the applicant submits that the deceased was an employee, who died in harness and as per the scheme of the Government, notified vide notification bearing No. FEG.28/2017/26, dated 14.09.2017, there will be no loss of income of the family members of the deceased inasmuch as the family pension will be equal to 100% of the last pay drawn by the deceased employee to be paid for a period to the date of deemed superannuation of the deceased employee and as such, it is contended that the stay may be granted, subject to depositing 20% of the awarded amount before the Registry of this Court.

6. Having considered the submissions of learned counsel for both the parties, it is provided that the operation of the impugned judgment and award dated 01.10.2022, is stayed. However the applicant shall deposit 20% of the awarded amount before the Registry of this Court and upon depositing the said amount the respondent Nos. 1 – 4 are allowed to withdraw the same within a period of 4 (four) weeks from today, without any writer.

7. In terms of above, this I.A. stands closed.

JUDGE

Comparing Assistant