

GAHC010016222024



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

Case No. : I.A.(Civil)/358/2024

SHRIRAM GENERAL INSURANCE CO. LTD.
1000-E/8, RIICO INDUSTRIAL AREA, SITAPURA, JAIPUR, RAJASTHAN-
302022 AND HAVING A BRANCH OFFICE AT B.R ARCADE, 3RD FLOOR, 21
JANAPATH, ULUBARI, GUWAHATI- 781007.

VERSUS

SODAR BHAN BIBI AND 3 ORS.
W/O ABDUL SHEIKH, VILL.- BANGALDOBA, P.O. AND P.S.- CHAPAR, DIST.-
DHUBRI(ASSAM), PIN- 783371.

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25.04.2024

Heard Mr. R. Goswami, learned counsel for the applicant. Also heard Mr. M. Khan, learned counsel for the respondent Nos. 1 & 2.

This is an application under Order XLI Rule V of the Code of Civil procedure, 1908 praying for stay of the operation of the impugned judgment and award dated 05.08.2022, passed by the learned Member, MACT, Bongaigaon in MAC Case No. 151/2019.

It is submitted by Mr. Goswami, learned counsel for the applicant, that the connected appeal, being MAC App. No. 394/2023, has already been preferred challenging the quantum of the awarded amount. Further, it submitted that the applicant is ready to deposit 50% of the awarded amount and the operation of the impugned judgment and award dated 05.08.2022, passed by the learned Member, MACT, Bongaigaon in MAC Case No. 151/2019 may be stayed till disposal of the connected appeal.

In this context, Mr. M. Khan, learned counsel for the respondent Nos. 1 & 2, raised no objection.

Considering the submissions made by the learned counsels for both sides and also considering the entire facts and circumstances of the case, pending disposal of the connected appeal, being MACApp./394/2023, operation of the impugned judgment and award dated 05.08.2022, passed by the learned Member, MACT, Bongaigaon in MAC Case No. 151/2019, stands stayed subject to deposition of the 50% of the awarded amount before the Registry of this Court within 6 (six) weeks from the date of passing of this order. The claimants/respondents will be at liberty to withdraw the deposited amount on being proper verification and identification by the Registry.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant