

GAHC010208592022



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

Case No. : I.A.(Civil)/1989/2024

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICES KNOWN AS NORTHEAST
REGIONAL OFFICE
AT GS ROAD
ULUBARI
GUWAHATI- 7
ASSAM.

VERSUS

AFIDA BEGUM BARLASKAR AND 4 ORS. E
W/O LATE KAMRUL HAQUE BARLASKAR RESIDENT OF SATKARAKANDI
PART I
P.S.- SONAI
DIST.- CACHAR
ASSAM
PIN- 788013.

2:AFRIN BARLASKAR
MINOR
REP. BY RESPONDENT NO. 1

D/O LATE KAMRUL HAQUE BARLASKAR
RESIDENT OF SATKARAKANDI PART- I
P.S.- SONAI
DIST.- CACHAR
ASSAM
PIN- 788013.

3:NUR NEHAR BARLASKAR
W/O LATE AKBAR BARLASKAR

RESIDENT OF SATKARAKANDI PART- I
P.S.- SONAI
DIST.- CACHAR
ASSAM
PIN- 788013.

4:NURUL AMIN BARBHUIYA
S/O LATE MAKABBIR ALI BARBHUIYA

TARAPUR PART- V
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788003.

5:ISLAM UDDIN BARBHUIYA
S/O LATE MAKADDAS ALI BARBHUIYA

NARAINPUR PART- III
P.S.- ALGAPUR
DIST.- HAILAKANDI
ASSAM
PIN- 788152.

Advocate for : MS P HUJURI
Advocate for : appearing for AFIDA BEGUM BARLASKAR AND 4 ORS. E

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 07.08.2024

Heard Mr. R. K. Bhatra, learned counsel for the applicant. Also heard Mr. M. Talukdar, learned counsel appearing for the respondent/claimants.

This application for stay of execution of the judgment and award dated 21.05.2022 was passed by the learned Member, Motor Accident Claims Tribunal, Cachar, Silchar in MAC Case No. 117/2017, has been filed by the Insurance Company.

The applicant has impugned the aforesaid judgment and award by filing

the connected MAC Appeal No. 331/2024.

Learned counsel for the applicant has submitted that there is no evidence to show that the truck which was insured with the present applicants/Insurance Company has been involved in the alleged accident.

On the other hand, learned counsel for the respondent No. 1, 2 and 3 has submitted that there are ample evidence on record to show that the truck in question was to involve in accident and on the basis of said evidence only the learned Tribunal has passed the impugned award.

Considering the submission made by learned counsel for the parties and considering the fact that the appeal filed by the applicant has already been admitted.

This application for stay of the execution of impugned judgment and award filed by the applicant is hereby allowed subject to the payment of 50% of the awarded amount to the Registry of this Court within a period of six (6) weeks.

This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant