

GAHC010058072024



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

**Case No. : Case : I.A.(Civil)/1781/2024**

ORIENTAL INSURANCE COMPANY LTD.  
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT  
GUWAHATI  
G.S. ROAD  
ULUBARI  
GUWAHATI- 781007  
REP. BY THE DEPUTY MANAGER  
GAUHATI REGIONAL OFFICE  
ULUBARI  
GUWAHATI- 781007.

VERSUS

NAINA LOHAR @ NAINA KISHAN AND 5 ORS.  
W/O LATE DIPSON KISHAN @ KISAN  
VILL.- DHEKIAJULI BAGAN (T.E.) MUNDA LINE  
P.O. AND P.S.- DHEKIAJULI  
DIST.- SONITPUR  
ASSAM  
PIN- 784110.

2:DHYANI KISHAN  
W/O LATE TULSI KISHAN @ TUSHIL KISAN @ TULIL KISHAN  
VILL.- DHEKIAJULI BAGAN (T.E.) MUNDA LINE  
P.O. AND P.S.- DHEKIAJULI  
DIST.- SONITPUR  
ASSAM  
PIN- 784110.

3:ANIKET KISHAN  
S/O LATE DIPSON KISHAN @ KISAN

VILL.- DHEKIAJULI BAGAN (T.E.) MUNDA LINE  
P.O. AND P.S.- DHEKIAJULI  
DIST.- SONITPUR  
ASSAM  
PIN- 784110.  
(REP. BY RESPONDENT NO. 1).

4:AHAN KISHAN  
S/O LATE DIPSON KISHAN @ KISAN  
VILL.- DHEKIAJULI BAGAN (T.E.) MUNDA LINE  
P.O. AND P.S.- DHEKIAJULI  
DIST.- SONITPUR  
ASSAM  
PIN- 784110.  
(REP. BY RESPONDENT NO. 1).

5:GOPESH SAINI  
S/O KISHANLAL SAINI  
R/O 175 GANPATI VIHAR TIJARA FATAK ALWAR  
P.O. AND P.S.- ALWAR  
DIST.- ALWAR  
RAJASTHAN  
PIN- 301001.

6:SAMAY DEEN  
S/O HAKMU DEEN  
VILL.- MANKI (CHOMU)  
P.O.- CHOMU  
P.S.- RAMGARH  
DIST.- ALWAR  
RAJASTHAN  
PIN- 301026.

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Advocate for : MS. R D MOZUMDAR  
Advocate for : appearing for NAINA LOHAR @ NAINA KISHAN AND 5 ORS.

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 12.08.2024**

Heard Ms. R. D. Mozumdar, learned counsel for the applicant.

This interlocutory application has been filed by the applicant/Insurance Company, who had filed the connected MAC Appeal No. 281/2024 impugning the judgment and award dated 16.12.2023 passed by the learned Member, Motor Accident Claims Tribunal, Sonitpur, Tezpur in MAC Case No. 86/2022 whereby the appellant was directed to pay a compensation amount of Rs.14,43,000/- along with 7.5% interest per annum from the date of filing of the claim till realization.

The applicant has prayed for staying the execution of the aforesaid judgment and award during the pendency of the connected MAC Appeal No. 281/2024.

I have perused the grounds of appeal taken by the applicant in the connected appeal.

The learned counsel for the applicant has submitted that the applicant is ready to deposit 50% of the awarded amount.

Considering the submissions made by the learned counsel for the applicant, the notices to the opposite parties is waived.

Considering the grounds taken by the applicant as well as the submissions made by the learned counsel for the applicant, this interlocutory application is disposed of after allowing the prayer for stay of impugned judgment and award during the pendency of the connected MAC Appeal i.e., MAC Appeal No. 281/2024, subject to payment of 50% of the awarded amount by the applicant to the Registry of this Court within six weeks from the date of this order.

This interlocutory application is accordingly, disposed of.

**JUDGE**

**Comparing Assistant**