

GAHC010082112024



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

Case No. : I.A.(Civil)/1224/2024

THE BAJAJ ALLIANZ GENERAL INSURANCE CO LTD
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA
AIRPORT ROAD
NERADA
PUNE 411006 AND NORTH EASTERN REGIONAL OFFICE AT SREEJI TOWER
2ND FLOOR
C/O GAUHATI TEA WAREHOUSING PVT. LTD. ADJACENT TO MAHINDRA
SHOWROO
CHRISTIAN BASTI
GUWAHATI 781005
KAMRUP M ASSAM REPRESENTED BY ITS LEGAL EXECUTIVE CLAIMS
DEPARTMENT
MR. NAYANJYOTI CHOUDHURY

VERSUS

BULI RAJAK AND 5 ORS
W/O LATE RANJIT KUMAR RAJAK
RESIDENT OF RAILWAY QUARTER NO. 107 (A)
BBC COLONY
PANDU
GUWAHATI DIST KAMRUP M ASSAM 781012

2:SRI RAJESH KUMAR RAJAK
S/O LATE RANJIT KUMAR RAJAK

RESIDENT OF RAILWAY QUARTER NO. 107 (A)
BBC COLONY
PANDU
GUWAHATI DIST KAMRUP M ASSAM 781012

3:SRI MUKESH KUMAR RAJAK
S/O LATE RANJIT KUMAR RAJAK

RESIDENT OF RAILWAY QUARTER NO. 107 (A)
BBC COLONY
PANDU
GUWAHATI DIST KAMRUP M ASSAM 781012
4:SMTI. JANKI RAJAK
W/O LATE SHYAMLAL RAJAK

RESIDENT OF RAILWAY QUARTER NO. 107 (A)
BBC COLONY
PANDU
GUWAHATI DIST KAMRUP M ASSAM 781012
5:SRI MINTU DEKA
S/O SRI SRIKANTA DEKA

RESIDENT OF VILLAGE AND PO PACHARIA
PS HAJO
DIST KAMRUP M ASSAM
6:SRI GOPAL KALITA
S/O LATE S KALITA
RESIDENT OF VILLAGE KISMAT KADAMTALI
PO ROWMARI
PS SUALKUCHI
DIST KAMRUP (R) ASSAM
781104

Advocate for : MR. A BHATTACHARYYA
Advocate for : MS D D ROY (R-1
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4) appearing for BULI RAJAK AND 5 ORS

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

29.04.2024

Heard Mr. A. Bhattacharyya, learned counsel for the applicant. Also heard Mrs. D. D. Roy, learned counsel appearing for the respondent Nos. 1 to 4.

This appeal has been filed praying for stay of the operation of the impugned judgment and order dated 07.02.2024 passed by the learned Member, Motor Accidents Claims Tribunal, No.-3, Kamrup (M) in MAC. Case No. 1721/2016.

It is submitted by the learned counsel for the applicant that the connected appeal has been filed against the impugned judgment and order dated 07.02.2024, wherein, the learned Tribunal awarded the compensation of Rs.44,87,000/- (Rupees forty-four lakhs eighty-seven thousand) only along with a interest of the claimants and further directed the applicant/insurance company to pay the awarded amount to the claimants/respondents.

Mr. Bhattacharyya, learned counsel for the applicant, submits that the applicant is ready to deposit 50% of the awarded amount.

Considering the submissions of learned counsel for the parties and in the interest of justice, pending disposal of the connected appeal, being MAC.App./172/2024, operation of the impugned judgment and award, dated 07.02.2024, passed by the learned Member, Motor Accidents Claims Tribunal, No.-3, Kamrup (M), Guwahati in MAC. Case No. 1721/2016, stands stayed/suspended subject to deposition of the 50% of the awarded amount before the Registry of this Court within 6 (six) weeks and the claimants will be

at liberty to withdraw the same on being proper verification and identification by the Registry.

JUDGE

Comparing Assistant