

GAHC010080222018



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

Case No. : I.A.(Civil)/1650/2018

NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3
MIDDLETON STREET
CALCUTTA 700071 REPRESENTED BY THE ASSTT. MANAGER
GAUHATI REGIONAL OFFICE
BHANGAGARH
GUWAHATI 781005

VERSUS

MD KHAIRUL ISLAM AND 2 ORS
S/O MD. MOHIBULLA KHAN
VILL. JURIA
DIST. NAGAON
ASSAM
PIN 782124

2:MD. FARUQUE HUSSAIN
S/O LATE IBRAHIM ALI
VILL. AZAD NAGAR
AMINPATTY
P.S. SADAR
DIST. NAGAON
ASSAM
PIN 782001

3:MD. KASHEM ALI
S/O MD. MUSLUMUDDIN
VILL. BHAKATGAON
P.S. SADAR
DIST. NAGAON
ASSAM.

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for MD KHAIRUL ISLAM AND 2 ORS

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

ORDER

Date : 14.08.2024

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

This application has been filed by the applicant Insurance Company praying for stay of the execution of the judgment and award passed on 20.06.2017 by the learned Member, Motor Accident Claims Tribunal, Nagaon in MAC Case No. 414/2012.

The learned counsel for the applicant has submitted that the applicant has preferred the connected MAC Appeal No. 372/2018 and they have taken the ground of fraud against the claimants in the appeal. The learned counsel for the applicant has also submitted that the applicant Insurance Company is ready to deposit 50% of the awarded amount before this Court.

On a query put by this Court to the learned counsel for the applicant, she submits that the Insurance Company is ready to deposit 50% of the award, provided it is not disbursed to the claimant without hearing the Insurance Company.

Considering the submissions made by the learned counsel for the applicant, the notices to the respondents claimants is waived and this interlocutory application is allowed by staying the execution of impugned

judgment and award dated 20.06.2017 passed in MAC Case No. 414/2012 by the learned Member, Motor Accident Claims Tribunal, Nagaon during the pendency of the connected MAC Appeal, subject to payment of 50% of the awarded amount by the applicant to the Registry of this Court within a period of six weeks from the date of this order.

With the above observation, this interlocutory application is hereby disposed of.

JUDGE

Comparing Assistant