

GAHC010100422024



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

Case No. : I.A.(Civil)/2866/2024

NEW INDIA ASSURANCE COMPANY LTD
A PUBLIC SECTOR UNDERTAKING COMPANY
REGISTERED AND INCORPORATED UNDER THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT 87 M.G. ROAD
FORT MUMBAI-400001 WITH ONE OF ITS REGIONAL OFFICE AT STAR CITY
COMPLEX
5TH FLOOR
LACHIT NAGAR
G.S. ROAD
ULUBARI
GUWAHATI-781007
REP. BY ITS REGIONAL MANAGER
GUWAHATI
ASSAM.

VERSUS

ASHUTOSH DAS AND 2 OSR
S/O LATE ARADHAN DAS
VILL.- SHIDUBI
PT.
P.O.- SHILDUBI
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 785612.

2: BHANUMATI DAS
W/O LATE ASHUTOAH DAS

VILL.- SHIDUBI
PT.

P.O.- SHILDUBI
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 785612.

3:RAJIM UDDIN LASKAR
S/O LATE MOHIB ALI LASKAR

VILL.- KHULICHERRA
P.O. AND P.S.- KHULICHERRA
P.O. AND P.S.- JAMALPUR
DIST.- CACHAR
ASSAM
PIN- 788120.

4:ABUL HUSSAIN LASKAR
S/O ABDUL SAHID LASKAR

VILL.- KACHUDARAM
PT- 1
P.O. AND P.S.- KACHUDARAM
DIST.- CACHAR
ASSAM
PIN- 799119.

Advocate for : MR. R C PAUL
Advocate for : appearing for ASHUTOSH DAS AND 2 OSR

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 16.12.2024

Heard Mr. R.C.Paul, learned counsel for the applicant. Also heard Mr. M. Talukdar, learned counsel for the opposite party Nos.1(a) and 1(b).

This interlocutory application, under Order 41, Rule 5 read with Section 151 of the Code of Civil procedure, is preferred for staying operation of the the Judgment and Award dated 22.12.2023, passed by the learned Member, Motor

Accident Claims Tribunal (MACT), Cachar, Silchar, in MAC Case No. 602/2020.

It is to be noted here that vide impugned Judgment and Award dated 22.12.2023, the Learned Member, Motor Accidents Claims Tribunal, Cachar, Silchar has directed that appellant herein to pay a sum of Rs. 29,35,561/- within 30 days from the date of Judgment and Award and alongwith interest @ 7% per annum from the date of filing the claim petition i.e. 10.11.2020 till its realization.

Perused the application and the documents placed on record.

It appears that the connected appeal has already been admitted and the record has also been called for from the learned Tribunal.

Accordingly, this interlocutory application stands allowed and subject to depositing of 50% of the awarded amount by the applicant before the Registry of this Court within a period of 3 (three) weeks. The respondent Nos. 1 (a) and 1 (b) may be allowed to withdraw the amount deposited before the registry of this Court.

JUDGE

Comparing Assistant