

GAHC010100932024



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

Case No. I.A.(Civil)/3050/2024

THE RELIANCE GENERAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT 19
RELAINCE CENTRE
WALCHAND HIRACHAND MARG
BALLARD ESTATE
MUMBAI 400001 AND CORPORATE OFFICE AT 570
RECTIFIER HOUSE
NAGAUM CROSS
NEXT TO ROYAL INDUSTRIAL ESTATE
WADALA (W)
MUMBAI 400031 AND ONE OF THE BRANCH OFFICES AT PRAG PLAZA
5TH FLOOR G.S. ROAD
BHANGAGARH GUWAHATI- 781005.

VERSUS

BIRAJ BASUMATARY AND 3 ORS (H)
S/O LATE UZIR BASUMATARY
VILL.- BOGIJULI PATHAR
P.O.- BEDETI
P.S.- BEHALI
DIST.- BISWANATH
ASSAM
PIN- 784179.

2:JYOTISH PRASAD BORUAH
S/O LATE SABHARAM BORUAH

R/O NALKATA
P.O.- BAGALIJAN
DIST.- LAKHIMPUR
ASSAM

PIN- 787031.

Advocate for : MR. A J SAIKIA

Advocate for : appearing for BIRAJ BASUMATARY AND 3 ORS (H)

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

ORDER

Date : 03.10.2024

Heard Mr. A. J. Saikia, learned counsel for the applicant. Also heard Ms. A. G. Choudhury, learned counsel for the respondent No. 1.

This interlocutory application has been made by the applicant Insurance Company under Order 41 Rule 5 of the Code of Civil Procedure, 1908 for staying the execution the judgment and award dated 13.07.2023 passed by the learned Member, Motor Accident Claims Tribunal No. 1, Kamrup(M), Assam in MAC Case No. 2535/2017.

The counsel for the applicant has submitted that the applicant is ready to deposit 50% of the awarded compensation as a condition for stay.

After considering the submissions made by the learned counsel for the parties as well as after considering the averments made in the application, the prayer is allowed.

The execution of impugned judgment and award dated 13.07.2023 passed in MAC Case No. 2535/2017 is hereby stayed, subject to deposit of 50% of the awarded amount by the Insurance Company to the Registry of this Court within four weeks from the date of this order.

On such deposit being made, the said amount shall be disbursed to the

claimant/opposite party by the Registry after proper verification.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant