

GAHC010004252022



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

Case No. :

I.A.(Civil)/1810/2024

THE ORIENTAL INSURANCE CO. LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956. REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI 7

VERSUS

RAHINI KALITA AND 2 ORS
S/O LATE NABIN CH. KALITA RESIDENT OF VILLAGE BARTARY
PO LANGA
PS SALBARI
DIST BAKSA
ASSAM
781319

2:TANKESWAR DEKA
S/O DAMAHI DEKA
RESIDENT OF VILAGE PARAHKUCHI
PO PARAHKUCHI
PS SARTHEBARI DIST BARPETA
ASSAM

3:RAJIB KALITA
S/O SAITYA NATH KALITA
RESIDENT OF VILLAGE KOCHDIGA
PO HELANA
PS PATACHARKUCHI
DIST BARPETA
ASSAM

Advocate for : MR. S K GOSWAMI
Advocate for : MR A N AHMED appearing for RAHINI KALITA AND 2 ORS

In

M.A.C. Appeal Case No. 287/2024

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

ORDER

29.07.2024

1. Heard Mr. S.K. Goswami, learned counsel for the applicant. Also heard Mr. A.N. Ahmed, learned counsel for the respondent No. 1.

2. This application has been preferred by the applicant/appellant praying for staying the execution of Judgment and Award dated 22.12.2017, passed by the learned Member, Motor Accident Claims Tribunal, Bajali, in MAC Case No. 25/2017.

3. The learned counsel for the applicant has submitted that the applicant has preferred a connected appeal which has been registered as MAC Appeal No. 287/2024, wherein, the appellant has challenged the quantum of the compensation awarded to the claimant in MAC Case No. 25/2017 by the concerned Tribunal.

4. Considering the grounds mentioned by the learned counsel for the applicant in the stay petition, the Judgment and Award dated 22.12.2017, passed by the learned Member, Motor Accident Claims Tribunal, Bajali, in MAC Case No. 25/2017 is hereby stayed during the pendency of the MAC Appeal No. 287/2024, subject to the condition that the applicant/appellant shall deposit 50% of the awarded amount to the Registry of this Court within a period of 6(six) weeks from the date of this order.

5. On such deposit, the claimant/respondent No. 1 shall be at liberty to receive the said amount from the Registry of this Court after proper verification, as for disposal of this Interlocutory Application the presence of opposite party Nos. 2 and 3 is not required, notice to them is hereby dispensed with.

6. This Interlocutory Application is hereby disposed of.

JUDGE

Comparing Assistant