

GAHC010109482023



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

I.A.(Civil)/1728/2024

NATIONAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET
KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH G.S ROAD
GUWAHATI 781005 REPRESENTED BY THE CHIEF REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE

VERSUS

BHUPEN CHOUDHURY AND 2 ORS.
S/O LATE MAHIM CHOUDHURY
RESIDENT OF VILLAGE DAMDAMA
PS HAJO
DIST KAMRUP
ASSAM 781104

2:SRI NIBARAN THAKURIA
S/O DHANIRAM THAKURIA
RESIDENT OF VILLAGE SANDHELI MAKRAPARA
PS AND DIST NALBARI
ASSAM 781353

3:SRI PAPUL DAS
S/O DANDI DAS
RESIDENT OF ARIKUCHI
PS AND DIST NALBARI
ASSAM
781339

Advocate for : MR T KALITA
Advocate for : appearing for BHUPEN CHOUDHURY AND 2 ORS.

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

ORDER

Date : 05.08.2024

Heard Mr. T. Kalita, learned counsel for the applicant.

This appeal under Order XLI Rule 5 of the Code of Civil Procedure, 1908 has been filed by the applicant praying for stay of execution of impugned judgment and award dated 29.10.2022 passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup(M) at Guwahati in MAC Case No. 1951/2017. The said judgment and award has been impugned by the applicant by preferring the connected MAC Appeal No. 264/2024.

The learned counsel for the applicant has submitted that in a connected MAC Appeal which arose out of the same accident, a Co-ordinate Bench of this Court has stayed the operation of the impugned judgment and award in that case and, hence, the learned counsel for the appellant has prayed that in the instant case also, the execution of the impugned judgment and award may be stayed.

Considering the submission made by the learned counsel for the appellant, and also considering the relief sought for in this interlocutory application, the notice to the opposite parties in this interlocutory application is waived.

The prayer for stay of execution of the impugned judgment and award is hereby allowed, subject to payment of 50% of the awarded compensation amount by the applicant before the Registry of this Court within a period of six weeks from the date of this order.

It is made clear herein that the deposited amount shall not be disbursed to

anyone without hearing the applicant.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant