

GAHC010106552018



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

Case No. : I.A.(Civil)/2287/2018

UNITED INDIA INSURANCE CO. LTD
A GOVERNMENT OF INDIA UNDERTAKING CO. HAVING ITS REGISTERED
OFFICE AT UNITED INDIA HOUSE 24
WHITES ROAD
CHENNAI
AND ONE OF THE REGIONAL OFFICE SITUATED AT GS ROAD
DISPUR
GUWAHATI-781005
ASSAM

VERSUS

ANJU DEVI AND 6 ORS
W/O LATE SURENDRA KUMAR R/O VILLAGE SHYAMPURA PO POONIYA KA
BAS T/O BISMAU
TEHSIL JHUNJHUNU DIST JHUNJHUNNU(RAJASTHAN) AT PRESENT
RESIDING AT ARMY CAMP 18 JAT REGIMENT PALTAN BAZAR
DIBRUGARH
DIST DIBRUGARH ASSAM

2:MR VIPIN PACHAR
S/O LATE SURENDRA KUMAR
R/O VILLAGE SHYAMPURA
PO POONIYA KA BAS
T/O BISMAU
TEHSIL JHUNJHUNU
DIST JHUNJHUNNU(RAJASTHAN)
AT PRESENT RESIDING AT ARMY CAMP 18 JAT REGIMENT PALTAN BAZAR
DIBRUGARH
DIST DIBRUGARH ASSAM

3:SRI SAMENDRA DARIG
S/O SRI KHAGEN DARIG
R/O VILL AND PO RANGALI CHAKALIA

DIST SIVASAGAR
ASSAM 785669

4:SRI SUSHAN BARUAH
S/O LT K R BARUAH
1 NO BORBIL PO BALIJAN
DIST SIVASAGAR
ASSAM 785691
(OWNER OF THE TRUCK)

5:SMTI. NIJUMONI DAS
W/O SRI KISHORE DAS
RESIDENT OF PALTAN BAZAR OF DIBRUGARH TOWN
PO AND PS AND DIST DIBRUGARH
ASSAM 786001
(OWNER OF THE TATA SUMO)

6:THE NEW INDIA ASSURANCE CO. LTD.
DIBRUGARH BRANCH
PS AND DIST DIBRUGARH
ASSAM
AND ALSO HAVE A REGIONAL OFFICE AT GUWAHATI AT GS ROAD NEAR
ABC BUS STOP
GHY 5 ASSAM 781005
(INSURER OF THE TATA SUMO)

7:THE GOVT. OF ASSAM
REPRESENTED BY THE DEPUTY COMMISSIONER
DIBRUGARH PO AND DIST DIBRUGARH
ASSAM
786001

Advocate for : MR. B K PURKAYASTHA
Advocate for : MR. D C C PHUKAN (R1) appearing for ANJU DEVI AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

21.10.2024

Heard Mr. R.C. Paul, learned counsel for the applicant and Mr. A.K. Mishra, learned counsel for the opposite party Nos. 1 & 2.

2. This interlocutory application is preferred by the applicant, United India

Insurance Company Limited for staying the operation of Judgment and Award dated 24.01.2018, passed in M.A.C. Case No. 24/2011, by the learned Additional District Judge cum Member, M.A.C.T., Dibrugarh.

3. It is to be noted here that vide impugned Judgment and Award dated 24.01.2018, the learned Additional District Judge cum Member, M.A.C.T., Dibrugarh has directed the appellant to pay a sum of Rs. 43,99,200/- along with 6% per annum from the date of filing of the claim petition, i.e. 18.04.2011, till the date of realization.

4. Mr. Paul, learned counsel for the applicant submits that the applicant has preferred an appeal being, M.A.C. Appeal No. 566/2018 and the same has already been admitted and the record has also been called for. Mr. Paul further submits that the applicant is ready to deposit 50% of the awarded amount before the Registry of this court and therefore, it is contended to stay the operation of Judgment and Award dated 24.01.2018, passed in M.A.C. Case No. 24/2011, by the learned Additional District Judge cum Member, M.A.C.T., Dibrugarh.

5. Having considered the submission of Mr. Paul, learned counsel for the applicant and also considering the facts and circumstances on the record, this court is inclined to stay the operation of the impugned Judgment and Award dated 24.01.2018, passed in M.A.C. Case No. 24/2011, by the learned Additional District Judge cum Member, M.A.C.T., Dibrugarh.

6. Accordingly, it is provided that till disposal of the connected appeal, i.e. M.A.C. Appeal No. 566/2018, the operation of Judgment and Award dated 24.01.2018, passed in M.A.C. Case No. 24/2011, by the learned Additional District Judge cum Member, M.A.C.T., Dibrugarh, stands **stayed**, subject to the

condition that the applicant shall deposit 50% of the awarded amount before the Registry of this court, within a period of 3 (three) weeks from today.

7. It is further provided that thereafter, the respondent Nos. 1 & 2 shall be allowed to withdraw the same from the Registry of this court.

8. In terms of above, this I.A. stands disposed of.

Comparing Assistant

JUDGE