

GAHC010190602024



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

Case No. : I.A.(Civil)/2895/2024

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

VERSUS

SHYAMALI MODAK AND 6 ORS
W/O. LATE JIBAN CH. MODAK @ JIBAN MODAK

2:SRI. JAYANTA MODAK
S/O. LATE JIBAN CH. MODAK @ JIBAN MODAK

3:MISS JOYSHREE MODAK
D/O. LATE JIBAN CH. MODAK @ JIBAN MODAK

4:SMT. GIRIBALA MODAK
W/O. LATE JIBAN CH. MODAK @ JIBAN MODAK. ALL ARE RESIDENT OF
VILL.- BISHAKHOBHA PART-1
P/S. GOLAKGANI
DIST. DHUBRI
ASSAM. (THE CLAIMANT NO.2 AND 3 BEING MINOR SHALL BE
REPRESENTED BY THEIR MOTHER i.e. CLAIMANT NO.1)

5:GYANJYOTI EDUCATION FOUNDATION
C/O. SRI AMIT AGARWAL
R/O. PRAKASH TOWER
ABC
G.S. ROAD

P/S. BHANGAGARH
GUWAHATI
PIN-781005
DIST. KAMRUP(M)
ASSAM

6:SRI KABIR BISWAKARMA
S/O. SRI. RAM BISWAKARMA
R/O. GOIBARI
P/O. AND P/S. TAMALPUR
PIN-781367
DIST. BAKSA
BTAD.
TEMPORARY ADDRESS- R/O. SENIOR OFFICERS COLONEY
BLOCK D-4
KHANAPARA
WARD NO.59
GUWAHATI
PIN-781022
DIST. KAMRUP(M)
ASSAM.

7:TATA AIG GENERAL INSURANCE CO. LTD.
REPRESENTED BY ITS GENERAL MANAGER
MAYUR GARDEN
3RD FLOOR
OPPOSITE HDFC BANK
BHANGAGARH
G.S. ROAD
GUWAHATI.PIN-781005.

Advocate for : MR. S K GOSWAMI
Advocate for : appearing for SHYAMALI MODAK AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.09.2024

Heard Mr. S. K. Goswami, learned counsel for the applicant.

This interlocutory application has been filed by the appellant Oriental Insurance Company Limited praying for staying of the execution of the judgment and award

dated 21.06.2024 passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup(M), Guwahati in MAC Case No. 739/2019 whereby the applicant Oriental Insurance Company Limited was directed to pay a compensation amount of Rs.20,11,400/-.

The learned counsel for the applicant has submitted that the applicant assailed the impugned judgment and award by filing the connected MAC Appeal i.e., MAC Appeal No. 496/2024 which has already been admitted and notices are issued to the respondents side.

The learned counsel for the applicant also submits that the applicant Oriental Insurance Company Limited is ready to deposit 50% of the awarded amount.

In view of the submissions made by the learned counsel for the applicant, the notice to the respondents in this interlocutory application is dispensed with and this interlocutory application is allowed.

The execution of impugned judgment and award which has been challenged in the connected MAC Appeal No. 496/2024 shall remain stayed during pendency of the said MAC Appeal, subject to deposit of 50% of the awarded amount by the applicant Oriental Insurance Company to the Registry of this Court within four weeks from the date of this order.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant