

GAHC010206892022



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

Case No. : MACApp./316/2024

NEW INDIA ASSURANCE CO., LTD.
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87,
MAHATMA GANDHI ROAD, MUMBAI AND ONE OF REGIONAL OFFICE AT
STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR, GUWAHATI- 781005,
NEAR HANUMAN MANDIR.

VERSUS

ANJOBALA CHANDA AND 2 ORS. E
W/O LATE BIMAN CHANDA, VILL.- KATABARI, P.O.- KATABARI, P.S.-
PATHARKANDI, DIST.- KARIMGANJ, ASSAM, PIN- 788724.

2:FARUK UDDIN LASKAR
S/O LATE NIMAR ALI LASKAR
VILL.- GOSSAIPUR PART- I
P.S.- UDHARBOND
DIST.- CACHAR
ASSAM
PIN- 788030.

3:RAKHAL DAS
S/O LATE NIMAR ALI LASKAR
VILL.- MALUGRAM
MADGURAGHAT
P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

26.06.2024.

Heard Shri KK Bhatta, learned counsel for the applicant, who by filing of this application has prayed for stay of the judgment and award dated 12.05.2022 passed by the learned Member, Motor Accident Claims Tribunal, Cachar in MAC Case No.1560/2015.

Also heard Shri M Talukdar, learned counsel for the respondent no. 1-claimant.

The connected MAC App./316/2024 has been admitted today i.e. 26.06.2024.

Shri Bhatta, learned counsel for the applicant has submitted that the death was not connected with the accident in question. There are materials on record to show that the deceased had fallen from a height and as a result of which, the death was caused and there was no nexus with the vehicle of the accident. He, however, submits that the learned Tribunal had failed to appreciate the aforesaid aspect.

Considering the above aspect, till the disposal of the appeal, the judgment and award dated 12.05.2022 passed by the learned Member, Motor Accident Claims Tribunal, Cachar in MAC Case No.1560/2015 shall remain.

Interlocutory application accordingly stands disposed of.

JUDGE

Comparing Assistant