

GAHC010209202024



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

**Case No. : I.A.(Civil)/3164/2024**

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

VERSUS

AYESHA BEGUM AND 2 ORS  
W/O. MD. SAFIR UDDIN  
R/O. VILL.- 2 NO. SHIVPUR  
P/S.- MURAJHAR  
DIST.- NAGAON  
ASSAM-232102.

2:MD. ABDUL KALAM  
S/O. LATE ABDUL HASIM  
C/O. K. MEDHI  
R/O. HOUSE NO. 110  
WARD NO. 37  
SILPHUKRI  
P/S. CHANDMARI  
DIST.- KAMRUP(M)  
ASSAM  
PIN-781003.

3:MD. GULZAR HUSSAIN  
S/O. LATE ABDUL HASIM  
R/O. URIAGRANT TUBUKI  
P/S. NAGAON

DIST.-NAGAON  
ASSAM  
PIN-782144  
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Advocate for : MR. K K BHATTA  
Advocate for : appearing for AYESHA BEGUM AND 2 ORS

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

**21.10.2024**

Heard Mr. K.K. Bhatta, learned counsel for the applicant.

**2.** This interlocutory application is preferred by the applicant, New India Assurance Company Limited for staying the operation of Judgment and Award dated 03.06.2024, passed by the learned Member, M.A.C.T., Nagaon, in M.A.C. Case No. 301/2018.

**3.** It is to be noted here that vide impugned Judgment and Award dated 03.06.2024, the learned Member, M.A.C.T., Nagaon has directed the appellants to pay a sum of Rs. 10,52,800/- to the claimants as compensation along with interest @ 6% per annum from the date of filing of the claim petition, till realization.

**4.** Mr. Bhatta, learned counsel for the applicant submits that the applicant has preferred an appeal being, M.A.C. Appeal No. 537/2024 and the same has already been admitted and the record has also been called for. Mr. Bhatta 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 03.06.2024, passed by the learned Member, M.A.C.T., Nagaon, in M.A.C. Case No. 301/2018. Mr. Bhatta also

submits that the deceased was a minor at the relevant point of time and that the accident took place while he was riding a motor cycle at a public place without driving license and as such, the impugned Judgment and Award dated 03.06.2024, is illegal and arbitrary.

**5.** Having considered the submission of Mr. Bhatta, learned counsel for the applicant and also considering the facts and circumstances on the record, this court is inclined to stay the operation of Judgment and Award dated 03.06.2024, passed by the learned Member, M.A.C.T., Nagaon, in M.A.C. Case No. 301/2018.

**6.** Accordingly, it is provided that till disposal of the connected appeal, i.e. M.A.C. Appeal No. 537/2024, the operation of Judgment and Award dated 03.06.2024, passed by the learned Member, M.A.C.T., Nagaon, in M.A.C. Case No. 301/2018, 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 15 (fifteen) days from today.

**7.** In terms of above, this I.A. stands disposed of.

**JUDGE**

**Comparing Assistant**