

GAHC010226062024



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

Case No. : I.A.(Civil)/3406/2024

CHOLAMANDALM MS GENERAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT SHAW WALLACE
BUILDING NEW NO. 319

OLD NO. 154

2ND FLOOR

THAMBU CHETTY

CHENNAI

PIN-600001

INDIA

ITS ZONAL OFFICE AT OFFICE NO. 201 AND 202 L AND T CHAMBERS

2ND FLOOR

16 CAMAC STREET

KOLKATA-700017 AND ITS GUWAHATI REGIONAL OFFICE AT 4TH FLOOR

AASTHA PLAZA

BORA SERVICE

G.S. ROAD

GUWAHATI

KAMRUP(M)

ASSAM-781007 REPRESENTED BY THE DEPUTY MANAGER LEGAL CLAIMS
OF REGIONAL OFFICE.

VERSUS

BINA GOGOI AND 4 ORS
D/O. LATE BHARAT GOGOI

2:RIMPI GOGOI
D/O. LATE BHARAT GOGOI

3:ANUPAM GOGOI
S/O. LATE BHARAT GOGOI
ALL ARE RESIDENT OF-
VILL.- BISHNU NAGAR

P/S. MAKUM
DIST.- TINSUKIA
ASSAM
PIN-786170.

4:JAYANTA BORA
S/O. KHAGEN BORA
R/O. VILL. 1 NO. ASOMIYA GAON
P/O. TINGRAI
DIST. TINSUKIA
ASSAM
PIN-786171.

5:TILOK CHOUDHURY
S/O. SRI PRADIP CHOUDHURY
R/O. VILL. TINGRAI GAON
P/O. DIGBOI
DIST.- TINSUKIA
ASSAM
PIN-786171.

Advocate for : MR T KALITA
Advocate for : appearing for BINA GOGOI AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : -11.11.2024

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

2. This interlocutory application, under Order XLI, Rule 5 of the CPC, is preferred by the applicant for staying the judgment and award dated 30.07.2024, passed by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), in MAC Case No. 1220/2019.

3. It is to be noted here that vide impugned judgment and award dated 30.07.2024, the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M) has directed the applicant herein to pay a sum of Rs. 52,08,2016.97/-, being the compensation to the respondent Nos. 1, 2 and 3,

and further provided that the amount shall carry interest @ 9% per annum from the date of filing of the claim petition.

4. It appears that the connected appeal has been admitted and the record has already been called for.

5. Considering the facts and circumstances on the record, this interlocutory application stands allowed subject to payment of 50% of the awarded amount before the Registry of this Court within a period of three weeks from today.

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

JUDGE

Comparing Assistant