

GAHC010226882023



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

Case No. : I.A.(Civil)/3072/2023

HDFC ERGO GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT RAMON HOUSE
H.T. PAREKH MARG
169
BACBAY RECLAMATION
MUMBAI 400020 AND ITS GUWAHATI BRANCH OFFICE AT ADITYAM
BUILDING
6TH FLOOR
LACHIT NAGAR
GS ROAD
GUWAHATI
ASSAM
PIN- 781007.

VERSUS

RANJITA LAHKAR AND 4 ORS.
W/O LATE SANATAN LAHKAR
VILL.- RUPNAGAR
P.O.- PATHSALA
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781325.

2:DIGANTA LAHKAR
S/O LATE SANATAN LAHKAR

VILL.- RUPNAGAR
P.O.- PATHSALA
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM

PIN- 781325.
3:KAUSHIK LAHKAR
S/O LATE SANATAN LAHKAR

VILL.- RUPNAGAR
P.O.- PATHSALA
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781325.
4:SUSHIL KUMAR PATHAK
VILL.- HOWLY PATAKHATI WARD NO. 2
P.O. AND P.S.- HOWLY
DIST.- BARPETA
ASSAM
PIN- 781316.
5:TAPAN KUMAR BAYAN
S/O SRI CHAN MOHAN BAYAN

VILL.- JANIA
P.O.- JANIA
P.S.- BARPETA
DIST.- BARPETA
ASSAM
PIN- 781314.

Advocate for : MR. R GOSWAMI
Advocate for : appearing for RANJITA LAHKAR AND 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 21-02-2024

Heard Mr. R. Goswami, learned counsel for the applicant.

By filing this application under Order XLI Rule V of the Code of Civil Procedure, 1908, the applicant is praying for staying of the operation of the impugned judgment and award dated 27.07.2023 passed by the learned Member, MACT-2, Kamrup (M) in MAC case no. 652/2019.

The learned counsel for the applicant submits that unlike other case

this case is different in that, as per the Government notification dated 14.09.2017, the family of the deceased/respondents are entitled to the entire last drawn salary of the deceased, till the date on which the employee would have superannuated, had he been alive.

Considering the contention and submission made by the learned counsel for the applicant, the operation of the impugned judgment and award dated 27.07.2023 passed by the learned Member, MACT-2, Kamrup (M) in MAC case no. 652/2019 is stayed subject to deposit of 25 % of the awarded amount by the appellant (HDFC ERGO General Insurance Company Limited) before the Registry within four weeks.

On such deposit being made by the appellant (HDFC ERGO General Insurance Company Limited), the respondent may be allowed to withdraw the amount on proper verification and identification by his counsel.

With the aforesaid order, this IA(Civil)/3072/2023 stands disposed of.

JUDGE

Comparing Assistant