

GAHC010249942023



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

Case No. :

I.A.(Civil)/1821/2024

NATIONAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET
KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH
G.S. ROAD
GUWAHATI- 781005 REPRESENTED BY THE CHIEF REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE.

VERSUS

PANKAJ JYOTI BARMAN AND 3 ORS.
S/O HAR KUMAR BARMAN
VILL.- CHAPRAKATA PT- II
P.S.- BONGAIGAON
DIST.- BONGAIGAON
ASSAM
PIN- 783380.

2:SAIFUL HOQUE
S/O ANTAL HOQUE

VILL.- BORTOLOWA
P.O.- DHALIGAON
P.S.- DHALIGAON
DIST.- CHIRANG
BTAD
ASSAM
PIN- 783385.

3:MOTLEB ALI
S/O ANTAL HOQUE

VILL.- BORTOLOWA
P.O.- DHALIGAON
P.S.- DHALIGAON
DIST.- CHIRANG
BTAD
ASSAM
PIN- 783385.

4:HAR KUMAR BARMAN
S/O LATE MANYU RAM BARMAN

VILL.- CHAPRAKATA PT- II

P.S.- BONGAIGAON
P.O.- CHAPRAKATA
DIST.- BONGAIGAON
ASSAM
PIN- 783380.

Advocate for : MR T KALITA
Advocate for : MR. M KHAN (R-1
4) appearing for PANKAJ JYOTI BARMAN AND 3 ORS.

In

MACApp. Case No. 291/2024

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

07.08.2024

1. Heard Mr. T. Kalita, learned counsel for the applicant. Also heard Mr. M. Khan, learned counsel appearing for respondent Nos. 1 and 4.
2. This application under Order XLI, Rule 5 of the Code of Civil Procedure (1908) has been filed by the applicant praying for stay of execution of impugned

Judgment and Award dated 23.05.2023, passed by the learned Member, Motor Accident Claims Tribunal, Bongaigaon in MAC Case No. 130/2019.

3. The learned counsel for the applicant has submitted that the present applicant has filed the connected MAC Appeal No. 291/2024 impugning the aforesaid Judgment and Award, mainly on the ground that as the deceased was a government servant, he is squarely covered under the circular issued by the Government of Assam on 14.09.2017, in respect of the scheme of compassionate family pension and as per the said scheme, the claimant would receive 100% of the last drawn paid, till the date on which the deceased would have retired and therefore, he submits that there would be no loss of dependency.

4. Considering the submissions made by the learned counsel for both sides, this Interlocutory Application is allowed, subject to condition that the applicant/insurance company shall deposit 30% of the awarded amount to the Registry of this Court within a period of 6(six) weeks from the date of this order. On such deposit made by the applicant, before the Registry of this Court, the said amount shall be disbursed to the claimant, Sri Pankaj Jyoti Barman by the Registry after proper verification.

5. With the above observations, this Interlocutory Application is hereby disposed of.

JUDGE

Comparing Assistant