GAHC010243932024

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

Case No. : I.A.(Civil)/2217/2026

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS REGIONAL OFFICE AND HEAD OFFICE AT 87
M.G. ROAD
FORT
MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX
5TH FLOOR
LACHIT NAGAR NEAR HANUMAN MANDIR
G.S. ROAD
GUWAHATI-781007.

VERSUS

ARPANA KALITA AND 4 ORS
W/O. LT. SHON KALITA

2:BARASHA KALITA
D/O. LT SHON KALITA

3:MANISHA KALITA
D/O. LT SHON KALITA
ALL ARE R/O. VILL. TERESIA
P/O. TERESIA
P/S. NALBARI
DIST. NALBARI
ASSAM
PIN-781334.
RESPONDENT NO.2 AND 3 BEING MINORS ARE REP. BY THEIR LEGAL GUARDIAN MOTHER I.E. RESPONDENT NO. 1

4:PABAN BAISHYA
S/O. LT. TARUN RAM BAISHYA
R/O. VILL. GHARAMARA
P/O. DHAMDHAMA

P/S. GHAGRAPAR
DIST. NALBARI
ASSAM
PIN-781369.

5:RINA KALITA
D/O. LT SHON KALITA
R/O. VILL. BARIKADANGA
P/S. BARBARI
DIST. BAKSA
BTAD
ASSAM, PIN-781343.

Advocate for : MR. R GOSWAMI
Advocate for : appearing for ARPANA KALITA AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.09.2026

1. Heard Mr. R. Goswami, learned counsel for the applicant. Also heard Mr. A. Bhattacharyya, learned counsel for the respondent Nos. 1, 2 and 3 as well as Mr. R. Sharma, learned counsel for the respondent No. 5.

2. This interlocutory application has been prefer filed by the applicant/Insurance Company in connection with MAC Appeal No. 343/2026 under Order 41 Rule 5 of the Code of Civil Procedure, 1908, praying for stay of execution of the impugned judgment and award dated 04.07.2024, passed by the Motor Accident Claims Tribunal, No. 1, Kamrup(M), in MAC Case No. 2340/2017 whereby the appellant/Insurance Company was directed to pay a compensation amount of Rs.1,42,83,599/- along with an interest at the rate of 9% per annum.

3. The learned counsel for the applicant has submitted that the aforesaid judgment and award has been impugned by the applicant/Insurance Company in the connected MAC Appeal No. 343/2026. He further submits that said appeal has

already been admitted by this Court. He also submits that since in the connected appeal only the quantum of compensation awarded to the claimant has been questioned, the applicant/Insurance Company is agreeable to deposit 50% of the awarded amount as a condition of granting of stay of the impugned judgment and award.

4. The learned counsel for the claimant/respondents as well as respondent No. 5 also does not oppose the said prayer. Hence, same is allowed. Accordingly, this interlocutory application is allowed.

5. The execution of the impugned judgment and award dated 04.07.2024, passed by the Motor Accident Claims Tribunal, Kamrup No. 1, Kamrup(M), in MAC Case No. 2340/2017 shall remain stayed during the pendency of the connected MAC Appeal No. 343/2026, subject to deposit of the 50% of the awarded amount before the Registry of this Court within a period of 6 weeks from the date of this order.

6. On such deposit being made, same shall be disbursed to the opposite party/claimant Nos. 1, 2, and 3 as well as opposite party No. 5 in equal proportions.

7. Out of the 50% amount deposited by Insurance Company, Rs.12,50,000/- shall be disbursed to opposite party No. 5 (mother of the deceased) and remaining amount shall be disbursed to the opposite party Nos. 1, 2 and 3.

8. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant