GAHC010020582026

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

Case No. : I.A.(Civil)/1762/2026

THE ORIENTAL INSURANCE CO LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT
REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI7. DISTRICT KAMRUP
ASSAM.

VERSUS

SRI NIRMALI DEVI
W/O LATE RAJIB BORA
R/O C/O MOHIBUL HOQUE
R/O ADABARI
P.S.- JALUKBARI
DIST- KAMRUP (M)
ASSAM
PIN-781126

2:SMT. RUNU PATIA
W/O LATE SATRAM BORA
R/O C/O MOHIBUL HOQUE
R/O ADABARI
P.S.- JALUKBARI
DIST- KAMRUP (M)
ASSAM
PIN-781126

3:DHRUBAJYOTI BORA
S/O DIMBESWAR BORA
R/O KUJABORI
P.O.- JAMUGURI
P.S.- JURIA
DISTRICT- NAGAON

ASSAM
PIN-782142

4:MD. AIJUL HAQUE
S/O IJAT ALI
R/O VILL- JAMUGURI
P.O.- ALITANGONI
P.S.- JURIA
DISTRICT- NAGAON
ASSAM
PIN-782124

Advocate for : SHYAMAL KUMAR GOSWAMI
Advocate for : MR. A R AGARWALA appearing for SRI NIRMALI DEVI

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 15.07.2026

1. Heard Mr. S. K. Goswami, learned counsel for the applicant. Also heard Mr. A. R. Agarwala, learned counsel for the respondent.

2. This interlocutory application has been filed by the applicant, namely, Oriental Insurance Company Limited in connection with MAC Appeal No. 273/2026 praying for stay of the execution of the judgment and award dated 29.10.2025, passed by the Motor Accident Claims Tribunal No. 1, Kamrup(M), in MAC Case No. 1079/2021 during the pendency of the connected MAC appeal.

3. The learned counsel for the claimant/respondent has submitted that the respondent/claimant does not have any objection to the prayer if the applicant deposit an amount of Rs.20,00,000/- (Rupees Twenty Lakhs) as a condition for grant of stay of the execution of the impugned judgment.

4. On the other hand, the learned counsel for the applicant submits that

since in view of the contention raised by the present applicant in the connected appeal, the claimant may be admittedly entitled to the compensation granted to them against conventional heads and against future prospects, which comes roughly to Rs.18,87,488/-. The Insurance Company is ready to deposit the said amount as a condition for grant of stay.

5. After considering the submissions made by learned counsel for both sides and after going through the materials available on record, this interlocutory application is allowed and the execution of the impugned judgment and award is stayed subject to deposit of an amount of Rs.19,00,000/- (Rupees Nineteen Lakhs) out of the awarded amount out of the awarded compensation to the claimant/respondent before the Registry of this Court within a period of six weeks from the date of this order.

6. In the event the said amount is deposited by the Insurance Company, same may be disbursed to the respondent Nos. 1 and 2/claimant after proper verification.

7. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant