GAHC010162592020

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

I.A.(Civil)/1989/2020

CHOLAMANDALAM M S GENERAL INSURANCE CO. LTD
Address:HAVING ITS REGISTERED OFFICE AT SHAW WALLACE BUILDING NO. 154
2ND FLOOR
THAMBU CHETTY STREET
CHENNAI- 600001 AND NORTH EAST STATE OFFICE AT ASTHA PLAZA
4TH FLOOR
OPPOSITE TO DEORAH COLLEGE
BORA SERVICE
ULUBARI
G.S. ROAD
GUWAHATI- 781005.

VERSUS

SAMSUL ALAM CHOUDHURY AND 2 ORS.
Address:S/O- MD. SAM UDDIN CHOUDHURY
R/O- DIGORKHAL MVI GATE
DAMCHERRA
P.O. DIGORKHAL
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 799256.
2:MASTAQUE AHMED MAZHERBHUIYA
Address:S/O- ABDUL WAHID MAZHERBHUIYA
VILL.- PANCHGRAM
P.O. PANCHGRAM
DIST.- HAILAKANDI
ASSAM
PIN- 788802.

3:MD. ABDUL SUKKUR
Address:S/O- RAYAS
R/O- CHURAIBARI

P.S. DHARMANAGAR
DIST.- NORTH TRIPURA
PIN- 799250.

Advocate for : MR. K K BHATTA
Advocate for : appearing for SAMSUL ALAM CHOUDHURY AND 2 ORS.: Advocate ,

, appearing for 2,

3, respectively

In Case No. : MACApp./273/2020

CHOLAMANDALAM M S GENERAL INSURANCE CO. LTD.,
HAVING ITS REGISTERED OFFICE AT SHAW WALLACE BUILDING NO. 154, 2ND FLOOR, THAMBU CHETTY STREET, CHENNAI- 600001 AND NORTH EAST STATE OFFICE AT ASTHA PLAZA, 4TH FLOOR, OPPOSITE TO DEORAH COLLEGE, BORA SERVICE, ULUBARI, G.S. ROAD, GUWAHATI- 781005.

VERSUS

MD. SAMSUL ALAM CHOUDHURY AND 2 ORS.
S/O- MD. SAM UDDIN CHOUDHURY, R/O- DIGORKHAL MVI GATE, DAMCHERRA, P.O. DIGORKHAL, P.S. KATIGORAH, DIST.- CACHAR, ASSAM, PIN- 799256.

2:MASTAQUE AHMED MAZHERBHUIYA
S/O- ABDUL WAHID MAZHERBHUIYA
VILL.- PANCHGRAM
P.O. PANCHGRAM
DIST.- HAILAKANDI
ASSAM
PIN- 788802.

3:MD. ABDUL SUKKUR
S/O- RAYAS
R/O- CHURAIBARI
P.S. DHARMANAGAR
DIST.- NORTH TRIPURA
PIN- 799250

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 26-11-2020

Heard Mr. K.K. Bhatta, learned counsel for the applicant/insurance company.

By this interlocutory application under Order XLI Rule 5 CPC, the applicant has prayed for staying the operation of the award passed in MAC Case No. 618/2015.

Having regard to the submission made by the learned counsel for the applicant and also that the appeal has been admitted, it is provided that the operation of the award shall remain suspended subject to depositing 80% of the awarded amount with the registry of this Court within 6 (six) weeks.

IA is disposed of accordingly.

JUDGE

Comparing Assistant