GAHC010035092026

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

Case No. : I.A.(Civil)/2320/2026

THE ORIENTAL INSURANCE CO LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT
REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI-7. DISTRICT-KAMRUPM
ASSAM.

VERSUS

ARSIDA JEBIN
W/O LATE SAYAD SHAHADAT HUSSAIN
RESIDENT OF BHATNAPAITY CHAR
P.S.-ALOPATI CHAR
DISTRICT- BARPETA
ASSAM. PRESENTLY RESIDING AT C/O EKBAL AHMED
VILLAGE AND P.O.- BHALUKDUDI
P.S. AND DISTRICT- GOALPARA
ASSAM
PIN CODE- 783101

2:MALNASA KHATUN
W/O AKKEL ALI
RESIDENT OF BHATNAPAITY CHAR
P.S.-ALOPATI CHAR
DISTRICT- BARPETA
ASSAM. PRESENTLY RESIDING AT C/O EKBAL AHMED
VILLAGE AND P.O.- BHALUKDUDI
P.S. AND DISTRICT- GOALPARA
ASSAM
PIN CODE- 783101

3:AKKEL ALI
S/O KANU SEIKH
RESIDENT OF BHATNAPAITY CHAR
P.S.-ALOPATI CHAR
DISTRICT- BARPETA
ASSAM. PRESENTLY RESIDING AT C/O EKBAL AHMED
VILLAGE AND P.O.- BHALUKDUDI
P.S. AND DISTRICT- GOALPARA
ASSAM
PIN CODE- 783101

4:SAYEDA SABNAM HUSSAIN
D/O LATE SAYAD SHAHADAT HUSSAIN
RESIDENT OF BHATNAPAITY CHAR
P.S.-ALOPATI CHAR
DISTRICT- BARPETA
ASSAM. PRESENTLY RESIDING AT C/O EKBAL AHMED
VILLAGE AND P.O.- BHALUKDUDI
P.S. AND DISTRICT- GOALPARA
ASSAM
PIN CODE- 783101 (BEING MINOR
REPRESENTED BY RESPONDENT NO. 1)

5:SYED ATIF HUSSAIN
S/O LATE SAYAD SHAHADAT HUSSAIN
RESIDENT OF BHATNAPAITY CHAR
P.S.-ALOPATI CHAR
DISTRICT- BARPETA
ASSAM. PRESENTLY RESIDING AT C/O EKBAL AHMED
VILLAGE AND P.O.- BHALUKDUDI
P.S. AND DISTRICT- GOALPARA
ASSAM
PIN CODE- 783101 (BEING MINOR
REPRESENTED BY RESPONDENT NO. 1)

6:LABA KUMAR CHOUDHURY
S/O LATE JOGADISH PRASAD CHOUDHURY
R/O VILLAGE- BIJOY NAGAR
P.O. AND P.S.- PALASHBARI
DISTRICT- KAMRUP
ASSAM
PIN CODE- 781128

7:KAILASH SAUD
S/O LATE BHATNESWAR SAUD
R/O VILLAGE- CHAYGAON (GARJANPARA)
P.O. AND P.S-CHHAYGAON
DISTRICT- KAMRUP

ASSAM
PIN CODE- 781124

Advocate for : SHYAMAL KUMAR GOSWAMI
Advocate for : appearing for ARSIDA JEBIN

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

04.11.2026

1. Heard Mr. S Sarma, the learned counsel for the applicant. Also heard Mr. H Das, the learned counsel for the Opposite Party/ claimant.

2. This application under Order 41 Rule 5 of the Code of Civil Procedure, 1908, has been filed by the applicant insurance company in connection with MAC Appeal No. 372/2026, praying for stay of execution of the impugned judgment and award dated 15/10/2025 passed by the Motor Accident Claims Tribunal, Barpeta, in MAC Case No. 345/2019.

3. The learned counsel for the applicant submits that the aforesaid judgment and award has been impugned in the connected MAC Appeal No. 372/2026 and said appeal has already been admitted.

4. On the other hand, the learned counsel for the claimants submits that the claimants do not have any objection to the prayer if the insurance company deposits 50% of the awarded amount.

5. The insurance company is also agreeable to deposit the same.

6. As such, this interlocutory application is allowed.

7. The execution of the judgment and award dated 15/10/2025 passed in MAC Case No. 345/2019 by the Motor Accident Claims Tribunal, Barpeta, shall remain stayed during the pendency of the connected MAC Appeal No. 372/2026, subject to deposit of 50% of the awarded amount by the applicant insurance company before the Registry of this court within a period of six weeks from the date of this order.

8. On such deposit being made, the Registry shall disburse the same to the claimants after proper verification, subject to furnishing an indemnity bond equivalent to the amount so disbursed.

9. The instant interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant