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

Case No. : I.A.(Civil)/3908/2026

UNITED INDIA INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 24 WHITES ROAD
CHENNAI- 600014 WITH ONE OF ITS REGIONAL OFFICE AT G.S. ROAD
GUWAHATI-5 REPRESENTED BY DEPUTY GENERAL MANAGER

VERSUS

MAMATA BALA BRAHMA AND 2 ORS
W/O LT. BILSON RABHA VILLAGE- DOLMAKHA P.O. DEVITOLA
P.S. KAZIGAON DIST. KOKRAJHAR
BTAD
ASSAM.

2:FUL KUMAR RABHA
S/O BHABEN RABHA
VILL. AND P.O. KASIABARI FV
DIST.- KOKRAJHAR
BTAD
ASSAM. PIN-783360. OWNER OF VEHICLE NO.AS-16-A-1000

3:BARNOBA RABHA
S/O TIPENDRA RABHA
VILL. KALBHANDARI
P.O. DEBITOLA DIST. KOKRAJHAR
BTAD
ASSAM PIN-783339 DRIVER OF VEHICLE NO.AS-16-A-1000

Advocate for : MR A N DAS
Advocate for : MR. M TALUKDAR appearing for MAMATA BALA BRAHMA AND 2 ORS

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

11.11.2026

1. Heard Mr. AN Das, the learned counsel for the applicant.Also heard Mr. M Talukdar, the learned counsel for the respondent /claimant No. 1.

2. This interlocutory application has been filed by the applicant Insurance Company in connection with MAC Appeal No. 642/2026, praying for stay of execution of the judgment and award dated 27.08.2026 passed by the Motor Accident Claims Tribunal in MAC Case No. 40/2019, whereby the present applicant Insurance Company was directed to pay the awarded amount of Rs. 26,42,800/- to the claimants and thereafter a liberty was granted to them to recover the said amount from the owner of the offending motorcycle involved in the accident.

3. The learned counsel for the applicant, Mr. A. N. Das, has submitted that the aforesaid judgment and award has been impugned by the Insurance Company in the connected MAC Appeal, and the said appeal has already been admitted. As such, during the pendency of the said appeal, the execution of the impugned judgment and award may be stayed. He further submits that no conditions should be imposed on the grant of such stay by this Court, as it was found by the Motor Accident Claims Tribunal that the Insurance Company is not directly liable for payment of compensation to the claimant, as the deceased who died in

the accident was riding on the offending motorcycle as a pillion rider, and the insurance policy covering the offending motorcycle is an "Act Only" policy. As such, he submits that no condition should be imposed for granting stay of execution of the impugned judgment.

4. On the other hand, the learned counsel for the claimant/respondent submits that the Motor Vehicles Act, 1988, being a beneficial legislation, the Motor Accident Claims Tribunal has after considering the entire aspect of the matter and binding rulings of the Apex Court as well as other High Courts, directed the applicant Insurance Company to pay the compensation to the claimant at the first instance, and thereafter a liberty was granted to recover the same from the owner of the offending vehicle. He submits that if stay is granted without directing the Insurance Company to deposit 50% of the awarded amount, due to the uncertainty of time which may be taken for disposal of the connected appeal, the claimant may have to remain deprived of his legitimate dues during the pendency of the connected MAC Appeal. He submits that the claimant/opposite party is ready to execute an indemnity bond to ensure that in the event the appeal succeeds, the claimant is ready to re-deposit the 50% of the awarded amount which may be disbursed to him.

5. I have considered the submissions made by the learned counsel for both sides and have gone through the material available on records.

6. The question to be determined in the connected appeal is as to whether the Tribunal is correct in directing the Insurance Company to pay the awarded compensation at the first instance and thereafter to

recover the same from the owner of the offending vehicle. However, considering the number of MAC Appeal cases pending before this Court, there is every likelihood that the connected appeal may take some time for final disposal. As such, considering the beneficial aspect of the M.V. Act, 1988, this Court deems it proper and is also of the considered opinion that the ends of justice would be served if the applicant is directed to deposit 50% of the awarded amount as a condition for grant of stay of the impugned judgment and award during the pendency of the connected appeal.

7. Accordingly, this interlocutory application is allowed, and the execution of the judgment and award dated 28.07.2026 passed in MAC Case No. 40/2019(D) by the Motor Accident Claims Tribunal, Dhubri shall remain stayed, subject to deposit of 50% of the awarded amount by the applicant Insurance Company before the Registry of this Court within a period of 6 (six) weeks from today.

8. In the event of such deposit, the same shall be disbursed to the claimant/respondent after proper verification, subject to furnishing of an indemnity bond of an amount equivalent to the amount so disbursed.

9. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant