GAHC020008162025

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

Case No. : I.A.(Civil)/227/2025

ORIENTAL INSURANCE CO. LTD
HAVING ITS REGISTERED AND HEAD OFFICE OF ORIENTAL HOUSE A-25/27
ASAF ALI ROAD
NEW DELHI-110002 AND REGIONAL AND DIVISIONAL OFFICES IN SEVERAL PLACES
INCLUDING REGIONAL OFFICE ATY GUWAHATI
ASSAM AND A DIVISIONAL OFFICE AT DIMAPUR IN THE STATE OF NAGALAND.

VERSUS

SHRI RUPAK @ PRADIP SAIKIA AND ANR
S/O LATE NOMAL SAIKIA
P/A NEAR TCP GATE AREA
P/O KOHIMA- NAGALAND

2:SHRI BIKASH BHUYAN
S/O SHRI JITEN BHUYAN
VILLAGE- POCKPARA
P/O KAMDEWAL
DIST- BISWANATH
ASSAM. (OWNER OF THE VEHICLE AS-12S/0129
BOLERO)

Advocate for : KIM PIENYU
Advocate for : appearing for SHRI RUPAK @ PRADIP SAIKIA AND ANR

Linked Case: MACApp./24/2025
ORIENTAL INSURANCE CO. LTD

HAVING ITS REGISTERED AND HEAD OFFICE OF ORIENTAL HOUSE A-25/27, ASAF ALI ROAD, NEW DELHI-110002 AND REGIONAL AND DIVISIONAL OFFICES IN SEVERAL PLACES, INCLUDING REGIONAL OFFICE ATY GUWAHATI, ASSAM AND A DIVISIONAL OFFICE AT DIMAPUR IN THE STATE OF NAGALAND.

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S/O LATE NOMAL SAIKIA, P/A NEAR TCP GATE AREA, P/O KOHIMA-NAGALAND

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ASSAM. (OWNER OF THE VEHICLE AS-12S/0129
BOLERO

Advocate for the Petitioner : KIM PIENYU, LAKNYEI PHOM,KETI IMCHEN

Advocate for the Respondent : B. N. SARMAH, IMTIWAPANG,NONGOSA

BEFORE
HONBLE MRS JUSTICE HELEN DAWNGLIANI

ORDER

Date : 05.11.2026

1. Heard Ms. Kim Pienyu, learned counsel for the Applicant along with Ms. Imlirenla, learned counsel for the Respondent No. 1.

2. The instant application has been filed for staying the operation of the impugned judgment and order dated 05.05.2025 passed by the learned Member, Motor Accident Claims Tribunal, Kohima in MAC Case No. 1/2018, wherein a sum of Rs. 6,35,839/- (Rupees Six Lakhs Thirty-Nine Thousand Eight Hundred Thirty-Nine only) was awarded to the Respondent/Claimant.

3. The learned counsel for the Applicant submits that they have good grounds for appeal and there is reasonable chance of the appeal being successful. She submits that in the event the impugned judgment and order is not stayed it would cause prejudice and irreparable loss to the Appellant/Insurance Company, inasmuch as the award also carries an interest @9% p.a. from the date of filing the claim petition till the satisfaction of the award.

4. Learned counsel for the Respondent has fairly submitted that she has no serious objection to the application.

5. I have perused the contents of the application and the explanation offered therein, as well as the verbal submission of the learned counsel for the Applicant. I have also taken into consideration the submission of the learned counsel for the Respondent, who has fairly chosen not to oppose the application.

6. In view of the above, the impugned judgment and order dated 05.05.2025 in MAC Case No. 1/2018 shall remain suspended till final disposal of the connected MACApp./24/2025, subject to the deposit of 50% of the award amount within a period of 2 (two) months.

7. With the above order the application is disposed of.

JUDGE

Comparing Assistant