

GAHC010247092024



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

Case No. : I.A.(Civil)/2863/2026

NEW INDIA ASSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICES AT STAR CITY COMPLEX
5TH FLOOR
LACHIT NAGAR
GUWAHATI 781005
NEAR HANUMAN MANDIR.

VERSUS

NITU DEVI GIRI AND 6 ORS
W/O LATE PRADIP GIRI
RESIDENT OF JAGUN KOTHA SEMA VILLAGE
PO JAGUN
PS LEKHAPANI
DIST TINSUKIA
ASSAM 786188

2:MISS PRIYA KUMARI
D/O LATE PRADIP GIRI

RESIDENT OF JAGUN KOTHA SEMA VILLAGE
PO JAGUN
PS LEKHAPANI
DIST TINSUKIA
ASSAM 786188

3:SRI BIBEK KUMAR GIRI
S/O LATE PRADIP GIRI

RESIDENT OF JAGUN KOTHA SEMA VILLAGE

PO JAGUN
PS LEKHAPANI
DIST TINSUKIA
ASSAM 786188

4:MISS TANU KUMARI GIRI
D/O LATE PRADIP GIRI

RESIDENT OF JAGUN KOTHA SEMA VILLAGE
PO JAGUN
PS LEKHAPANI
DIST TINSUKIA
ASSAM 786188

5:SRI NABIN CHUTIA
S/O SRI MONTU CHUTIA

RESIDENT OF 1 NO. DOOMAR DOLLONG
PO BAMUNBARI DIBRUGARH
PS MORAN
DSIT DIBRUARH
ASSAM 786613

6:M/S FRIENDS TRANSPORT AND AGENCY
REPRESENTED BY ITS PROPRIETOR SRI UMA SHANKAR SINGH
RESIDENT OF WARD NO. 29
BEHORBARI BASISTHA
PO BASISTHA
DIST KAMRUP M ASSAM 781029

7:SRI DEEP DEY
S/O ASHUTOSH DEY
RESIDENT OF TIPONG TOWNSHIP

PO TIPONG
PS LEKHAPANI
DIST TINSUKIA
ASSAM 786179

Advocate for : MR. K K BHATTA
Advocate for : appearing for NITU DEVI GIRI AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 26.08.2026

- 1.** Heard Mr. K. K. Bhatta, learned counsel for the applicant. Also heard Mr. S. R. Gogoi, learned counsel for the opposite parties/claimants.
- 2.** This interlocutory application has been filed by the applicant/Insurance Company in connection with MAC Appeal No. 456/2026 praying for stay of the execution of the impugned judgment and award dated 18.07.2024, passed by the Motor Accident Claims Tribunal, Margherita, in MAC Case No. 12/2020, whereby the applicant/Insurance Company was directed to pay a compensation amount of Rs.17,02,000/- along with interest @ 9% per annum.
- 3.** The learned counsel for the applicant has submitted that the aforesaid judgment has been impugned by the Insurance Company in the connected MAC Appeal No. 456/2026. He also submits that the Insurance Company/applicant is agreeable to deposit 50% of the awarded amount before the Registry of this Court as a condition for grant of stay of execution of the impugned judgment and award.
- 4.** Mr. S. R. Gogoi, learned counsel for the opposite parties/claimants submits that the claimants/opposite parties do not have any objection to the grant of stay subject to the condition of payment of 50% of the awarded amount.
- 5.** Since, the claimants have not objected to the grant of stay, notice to other opposite parties in this interlocutory application is hereby waived and this interlocutory application is allowed.

- 6.** The execution of the impugned judgment and award passed in MAC Case No. 12/2020 is hereby stayed during the pendency of the connected MAC Appeal No. 456/2026 subject to deposit of 50% of the awarded amount by the applicant/Insurance Company before the Registry of this Court within a period of 6(six) weeks from the date of this order.
- 7.** On such deposit being made, the said amount shall be disbursed by the Registry to the opposite parties/claimants, after proper verification, subject to furnishing of a bond equivalent to the amount to be disbursed to them.
- 8.** With the above observation, this interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant