

GAHC010009942014



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

Case No. : MACApp./126/2014

THE MANAGING DIRECTOR,
ASSAM STATE TRANSPORT CORPORATION LTD. PALTANBAZAR, P.S.
PALTANBAZAR, GUWAHATI, DIST. KAMRUP, ASSAM.

VERSUS

HEMA PROVA CHUTIA and ANR.
W/O LATE GUNA KANTA CHUTIA, R/O TIPLING NALONI PATHAR, P.S.
DULIAJAN, DIST. DIBRUGARH

2:MD. SHAH ALAM AHMED

S/O LATE ALLAUDDIN AHMED
R/O WARD NO. 7
NORTH LAKHIMPUR
DIST. NORTH LAKHIMPUR
ASSAM

Advocate for the Petitioner : MS.B SHARMA

Advocate for the Respondent : MR D MONDAL (R1)

Linked Case : MACApp./127/2014

THE MANAGING DIRECTOR
ASSAM STATE TRANSPORT CORPORATION LTD.
PALTANBAZAR
P.S. PALTANBAZAR

VERSUS

HEMA PROVA CHUTIA and ANR.
W/O LATE GUNA KANTA CHUTIA
R/O TIPLING NALONI PATHAR
P.S. DULIAJAN
DIST. DIBRUGARH

2:MD. SHAH ALAM AHMED

S/O LATE ALLAUDDIN AHMED
R/O WARD NO. 7
NORTH LAKHIMPUR
DIST. NORTH LAKHIMPUR
ASSAM.

Advocate for : MS.Y DEKA
Advocate for : MR D MONDAL (R1) appearing for HEMA PROVA CHUTIA and
ANR.

Linked Case : MACApp./128/2014

THE MANAGING DIRECTOR

ASSAM STATE TRANSPORT CORPORATION LTD.
PALTANBAZAR
P.S. PALTANBAZAR
GUWAHATI
DIST. KAMRUP
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VERSUS

HEMA PROVA CHUTIA and ANR.
W/O LATE GUNA KANTA CHUTIA
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2:MD. SHAH ALAM AHMED

S/O LATE ALLAUDDIN AHMED
R/O WARD NO. 7
NORTH LAKHIMPUR
DIST. NORTH LAKHIMPUR

ASSAM.

Advocate for : MR.S K BARKATAKI

Advocate for : MR D MONDAL (R1) appearing for HEMA PROVA CHUTIA and ANR.

BEFORE
THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY
ORDER

18.08.2022

None appears for the appellant on call though the name of Mr. S.K. Barkataki, learned counsel is reflected in the cause list.

The order of this court dated 27.05.2022 reflects that Mr. S K Barkataki, learned counsel appearing for the appellant has intimated the court that the Managing Director of the Assam State Transport Corporation through one officer intimated him that there has been a change in the panel of lawyers to represent the ASTC in the High Court and in the new list his name is not there. In view of such submission, this court directed these matters to be listed on 16.6.2022. When the matters were listed on 16.06.2022, similar submission was made by Mr. SK Barkataki and on his prayer, matters were adjourned.

When these matters are listed today, none appears for the appellant. The order dated 27.05.2022 and 16.06.2022 show that the appellant /corporation is aware of the pendency of these present appeals.

The present appeals are preferred challenging the judgment and award dated 20.12.2013 passed in MAC Case No. 1663/2011, MAC Case No. 1664/2011 and MAC Case No. 1665/2011. The accident took place on

05.07.2011 wherein the present respondent lost her son, daughter-in-law and grand-daughter. The appeals were filed on 10.04.2014. Though notice was issued on 30.04.2014, the appeals were admitted only on 09.05.2022. Though there are applications for stay, no orders have been passed in those applications.

In the aforesaid backdrop, Mr. D Mondal, learned counsel for the respondents submits that the claimant is an old aged lady and is suffering immensely and she is not able to have the fruit of the compensation due to pendency of the present proceedings.

In the aforesaid backdrop, this court is of the considered opinion that a direction be passed to the appellant / ASTC to deposit 50% of the decretal amount passed in MAC Case No. 1663/2011, MAC Case No. 1664/2011 and MAC Case No. 1665/2011 before the Registry of this Court within a period of four weeks inasmuch as basic ground of challenge in the present appeals are that there were contributory negligence on the part of the deceased son of the respondent.

It is also clarified that in the event such deposit is made, the claimant/respondent may be permitted to withdraw the same following the laid down procedure.

Mr. Mondal submits that he will furnish a copy of this order to the Managing Director, ASTC.

List the matters 20.09.2022.

JUDGE

Comparing Assistant