

GAHC010013212025



undefined

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

Case : I.A.(Civil)/1105/2026

Cholamandalam MS General Insurance Co Ltd  
HAVING ITS BRANCH OFFICE AT AASTHA PLAZA  
OPPOSITE OF S.B. DEORAH COLLEGE  
4TH FLOOR  
BORA SERVICE  
GUWAHATI  
DIST. KAMRUP(M)  
ASSAM (REP. BY ITS DEPUTY MANAGER  
TP CLAIMS  
MR. KAIFI ANAM)

VERSUS

MISS BHUMIKA DEKA  
D/O. LT. TRAILUKYA DEKA.

2:NETRA KUMAR DEKA  
S/O. LT. TRAILUKYA DEKA.

3:MUNMI DEKA  
D/O. LT. TRAILUKYA DEKA. (CLAIMANT/RESPONDENT NO.3 BEING MINOR  
IS REP. BY HER ELDER SISTER I.E.  
THE CLAIMANT/RESPONDENT NO. 1) ALL ARE R/O.- VILL.- DANDUA  
P/S. MORIGAON  
DIST. MORIGAON  
ASSAM  
PIN-782104.

4:HABIBUR RAHMAN  
S/O. MATLEB ALI  
R/O. VILL. GOLDEN PATH  
HATIGAON HOUSE NO.-12  
B/L-1

BHETAPARA ROAD  
P/S. HATIGAON  
DIST. KAMRUP(M)  
ASSAM  
PIN-781038

5:MATINUR ALI  
S/O. JABEDUR ALI  
R/O. VILL.- AMBARI  
P/S.DHUPDHARA  
DIST. GOALPARA  
ASSAM  
PIN-783120

-----  
Advocate for : ABHILASH BHATTACHARYYA  
Advocate for : MR. M HOQUE(R-4  
5) appearing for MISS BHUMIKA DEKA

**BEFORE**  
**HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

**ORDER**

**09.06.2026**

1. The instant appeal has been filed by the appellant/applicant praying for stay of the operation of the impugned judgment and order dated 24.09.2020 passed in MAC(Death) Case No. 29/2020 passed by the learned MACT, Morigaon.
2. Heard Mr. A. Bhattacharyya, learned counsel for the applicant.
3. It is submitted by the learned counsel for the applicant that the applicant has filed an appeal against impugned judgment and order and the same has been admitted by this Court, the appellant has taken good grounds for appeal and the appeal is likely to succeed and therefore, if the impugned judgment and order is not stayed, the MAC appeal would

become infructuous.

4. Learned counsel for the respondent submits that the stay application may be allowed on the condition that 50% of the awarded amount may be deposited by the appellant. In support of his submission he has placed a copy of the order dated 23.04.2025 passed in I.A.1246/2025 as well as the order dated 12.03.2025 passed in I.A(Civil) 409/2025 by a co-ordinate Bench of this Court wherein under similar circumstances the Court has allowed the stay application subject to deposit of 50% of the awarded amount.

5. Upon consideration of the above facts and circumstances, the impugned judgment and award dated 24.09.2024 passed in MAC(Death) Case No. 29/2020 passed by the learned MACT, Morigaon shall remain suspended during the pendency of the connected appeal subject to deposit of 50% of the awarded amount before the Registry of this Court within six weeks from today.

6. Accordingly, the Interlocutory Application stands disposed of.

**JUDGE**

**Comparing Assistant**