

GAHC010038362026



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

Case No. : I.A.(Civil)/956/2026

NEW INDIA ASSURANCE COMPANY LIMITED
A CENTRAL GOVT. UNDERTAKING HAVING ITS REGIONAL OFFICE AT
GUWAHATI, STARCITY COMPLEX, G. S. ROAD, LACHITNAGAR,
GUWAHATI - 781 007 REPRESENTED BY THE MANAGER , GAUHATI
REGIONAL OFFICE, LACHITNAGAR, GUWAHATI - 781007.

VERSUS

SMTI MONJULA KACHARI
W/O SRI PUTUL KACHARI, R/O VILLAGE - ROWDUAR POTHAR GAON, P.O.
- NUMALIGARH, P.S. - BOKAKHAT, DISTRICT - GOLAGHAT, ASSAM. PIN-
785615

2:RAJA KALITA
S/O RAMEN KALITA

VILL.- HALMIRA DHANSIRIPAR GAON
P.O. AND P.S.- GOLAGHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785702.

3:SURENDRA KAMP
S/O ANIL KAMP

R/O BOKAKHAT TOWN
P.O. AND P.S.- BOKAKHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785612.

4:THE MANAGER

UNITED INDIA INSURANCE CO. LTD.
GOLAGHAT BRANCH
THANA CHARIALI
DIST.- GOLAGHAT
ASSAM
PIN- 785621

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA, MS. C MOZUMDAR

Advocate for the Respondent : ,

Linked Case : MACApp./85/2024

NEW INDIA ASSURANCE COMPANY LIMITED
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI
STARCITY COMPLEX
G.S. ROAD
LACHITNAGAR
GUWAHATI- 781007
REP. BY THE MANAGER
GAUHATI REGIONAL OFFICE
LACHITNAGAR
GUWAHATI- 781007.

VERSUS

MONJULA KACHARI AND ORS. E
W/O PUTUL KACHARI
VILL.- ROWDUAR POTAHR GAON
P.O.- NUMALIGARH
P.S.- BOKAKHAT
DIST.- GOLAGHAT
ASSAM
PIN- 785615.

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S/O RAMEN KALITA

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ASSAM
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4:THE MANAGER
UNITED INDIA INSURANCE CO. LTD.
GOLAGHAT BRANCH
THANA CHARIALI
DIST.- GOLAGHAT
ASSAM
PIN- 785621.

Advocate for : MS. R D MOZUMDAR
Advocate for : MR. M DUTTA (R-1) appearing for MONJULA KACHARI AND ORS.
E

Linked Case :

MONJULA KACHARI

VERSUS

NEW INDIA ASSURANCE COMPANY LTD AND 3 ORS F

Advocate for : MR. M DUTTA
Advocate for : appearing for NEW INDIA ASSURANCE COMPANY LTD AND 3
ORS F

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

ORDER

Date : 02.04.2026

1. Heard Ms. R. D. Mozumdar, the learned counsel for the applicant/appellant. Also heard Mr. M. Dutta, the learned counsel for the opposite party No. 1/claimant.
2. This Interlocutory Application has been filed by the applicant praying for stay of the execution of judgment and award dated 08.08.2022 passed by the Motor Accident Claims Tribunal, Golaghat in MAC Case No. 101/2017 during the pendency of the connected MAC Appeal No. 85/2024.
3. The learned counsel for the applicant has submitted that the applicant has impugned the aforesaid judgment and award in the connected appeal. The said appeal has already been admitted by this Court.
4. She further submits that in some other cases, arising out of the same accident, the liability of paying the compensation has been fixed on the other Insurance Company, i.e., United India Insurance Company Limited.
5. She further submits that since the accident occurred due to head on collision between two vehicles, there is every possibility in the connected appeal that liability to pay compensation by the present applicant may be decreased to the extent of less than 50%.
6. She, therefore, submits that if this Court intends to impose

a condition for grant of stay, the Insurance Company/applicant is ready to deposit 25% of the awarded amount.

7. She further submits that in the connected appeal, the applicant has also questioned the quantum of the compensation awarded to the respondent/claimant.

8. On the other hand, the learned counsel for the respondent No.1/claimant submits that he does not have any objection to the prayer for stay of the execution of the impugned judgment and award, if the Insurance Company deposit 50% of the awarded amount, as a condition of stay of execution of the impugned judgment and award.

9. Since the respondent No.1 has conditionally conceded to the prayer of the applicant, the notice to other respondents is waived.

10. I have considered the submissions made by learned counsel for both sides.

11. After considering the materials on record, including the Memo of Appeal of the connected appeal filed by the applicant, this Court is of the considered opinion that the interest of justice would be served if the prayer for stay during the pendency of the connected MAC Appeal No. 85/2024 is allowed.

12. However, the same is subject to payment of 50% of the awarded amount by the applicant/ Insurance Company.

13. Accordingly, the judgment and award dated 08.08.2022 passed in MAC Case No. 101/2017 by the Motor Accident Claims

Tribunal, Golaghat, is hereby stayed, subject to deposit of 50% of the awarded amount by the Insurance Company/applicant before the Registry of this Court within a period of six weeks from the date of this order.

14. In the event of deposit of such amount by the Insurance Company, the same shall be disbursed to the claimant/respondent No.1 after proper verification by the Registry, subject to submission of indemnity bond, that in the event the appellant is found to be liable to pay a lesser amount than that of 50% of the awarded amount, the remaining amount shall be refunded by the claimant to the insurance company.

15. This Interlocutory Application is accordingly, disposed of.

JUDGE

Comparing Assistant