

GAHC010091752018



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

Case No. : MACApp. 574/2018

1:ORIENTAL INSURANCE COMPANY LTD
A CENTRAL GOVERNMENT UNDERTAKING HAVING ITS REGIONAL
OFFICE AT GUWAHATI, ULUBARI, GUWAHATI-781007 REPRESENTED
BY THE ASSISTANT MANAGER, GAUHATI REGIONAL OFFICE.

VERSUS

1:SMT LUKU BARMAN AND 3 ORS
W/O JAGADISH BARMAN,
HOUSE NO 14
VINAYAK PATH, LAKHIMI NAGAR
PS DISPUR
DIST KAMRUP M ASSAM
781005

2:SRI JAGADISH BARMAN
S/O HARESWAR BARMAN
HOUSE NO 14
VINAYAK PATH
LAKHIMI NAGAR
PS DISPUR
DIST KAMRUP M ASSAM
781005

3:SRI KUMARIL BORA
S/O SATYA BORA
R/O FLAT NO 45
JEET APARTMENT
KAHILIPARA ROAD
JATIA
DIST KAMRUP M ASSAM
781019

4:SRI MOON KALITA

S/O LATE ASWINI KALITA
R/O H/NO 24
KALPATARU PATH
LAKHIMINAGAR PS HATIGAON

GUWAHATI
DIST KAMRUP M ASSAM
78103

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent :

Linked Case : I.A.(Civil) 2318/2018

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781038

Advocate for the Petitioner : MS. R D MOZUMDAR
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 09-07-2018

Heard Ms. R. D. Mozumdar, learned counsel for the applicant.

This application is for stay of the judgment and award dated 07.02.2018 passed by the learned Member, MACT No.3, Kamrup (M), Guwahati in MAC Case No.2333/2014 impugned in the connected appeal.

The learned counsel for the applicant projects that in the claim petition it is projected that the accident took place on 05.09.2014. However, the FIR was lodged on 24.11.2014 and therefore as per the applicant, the vehicle involved in the alleged accident was a planted vehicle and therefore the learned counsel for the applicant claims exemption from making any deposit of the awarded sum.

In view of the aforesaid allegations, let a notice returnable on **20.08.2018** be issued. The applicant shall take steps for service of notice on the opposite party by usual process as well as by registered post within a period of 2 (*two*) days.

In the interim it is provided that the applicant shall deposit 50% of the

awarded sum before the Registry of this Court within a period of *6(six) weeks* from today. The said amount shall not be released to the opposite parties No.1 and 2 without any order from this Court.

List on **20.08.2018.**

JUDGE

Comparing Assistant