

GAHC010208292025



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

Case No. : I.A.(Civil)/605/2026

THE ORIENTAL INSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT
REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI-7. DISTRICT- KAMRUP (M)
ASSAM.

VERSUS

SMTI. MAKANI KALITA AND 3 ORS.
W/O SRI NABAB CHANDRA KALITA
VILLAGE- 2 NO. JIYAKUR
P.S.- CHHAYGAON
P.O.- JIYAKUR
DISTRICT- KAMRUP (M)
ASSAM
PIN-781134

2:NABAB CHANDRA KALITA
F/O LATE LABA KALITA
VILLAGE- 2 NO. JIYAKUR
P.S.- CHHAYGAON
P.O.- JIYAKUR
DISTRICT- KAMRUP (M)
ASSAM
PIN-781134

3:BIDYUT DAS
S/O PANCHANAN DAS
R/O WARD NO. 13
RANJIT NAGAR

P.O.- BILASIPARA
DISTRICT- DHUBRI
ASSAM. PIN-783301 (OWNER OF THE VEHICLE NO-AS-17/B-6777)

4:MD. MOIDUL ISLAM
S/O BISHU SEIKH
R/O KOYALKATA PART-1
BILASIPARA
P.S.- BILASIPARA
DISTRICT- DHUBRI
ASSAM
PIN- (DRIVER OF THE VEHICLE NO-AS-17/B-6777)

Advocate for : MR. S K GOSWAMI
Advocate for : appearing for SMTI. MAKANI KALITA AND 3 ORS.

In
MACApp. Case No. 76/2026

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

27.02.2026

- [1]** Heard Mr. S. Sharma, the learned counsel for the applicant.
- [2]** This application under Order 41, Rule 5, read with Section 151 of the Code of Civil Procedure, 1908 has been filed by the applicant/insurance company in connection with MAC Case No. 76/2026, praying for stay of execution of judgment and award dated 13.06.2025, passed by the learned Member, Motor Accident Claims Tribunal No. 1, Kamrup(M), Guwahati, in MAC Case No. 878/2018.
- [3]** The learned counsel for the applicant has submitted that the aforesaid judgment has been impugned by the applicant in the connected appeal.
- [4]** He also submits that said appeal has been admitted and

notice has been issued to the respondents.

[5] He also submits that the respondents are ready to deposit 50 % of the awarded amount as a condition for grant of stay to the execution of the impugned judgment and award.

[6] Considering the submissions made by the learned counsel for the applicant, notice to respondents is waived and the prayer made by the applicant is allowed.

[7] The execution of judgment and award dated 13.06.2025, passed by the learned Member, Motor Accident Claims Tribunal No. 1, Kamrup(M), Guwahati, in MAC Case No. 878/2018 shall remain stayed during the pendency of the connected MAC Case No. 76/2026, subject to deposit of 50% of the awarded amount (total awarded amount of Rs. 39,41,100/-) before the Registry of this court within a period of 6(six) weeks from the date of this order.

[8] This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant