

GAHC010242022025



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

Case No. : I.A.(Civil)/499/2026

THE NATIONAL INSURANCE CO LTD
HAVING ITS REGISTERED HEAD OFFICE AT PLOT NO.CBD-81
NEW TOWN
KOLKATA700156 AND THE REGIONAL OFFICE AT BHANGAGARH
GUWAHATI-781005
REPRESENTED BY THE REGIONAL MANAGER
GUWAHATI REGIONAL OFFICE
INSURER OF THE VEHICLE BEARING NO. AS-06/AC-2445 BOLE

VERSUS

BARASHA PHUKAN
RESIDENT OF - VILLAGE KALALUR NAMDUNG BLK
P.O. DHEMECHI
P.S. MORAN
DISTRICT- DIBRUGARH
ASSAM
PIN-785675. PRESENTLY RESIDING ATC/O. BIRESWAR GOGOI
VILL.- THOWRA MAJ GAON P.O. RAJMAI
PS -DEMOW
DISTRICT- SIVASAGAR
ASSAM
PIN-785662.

2:SRI. AJOY PHUKAN
S/O. LT. HEMANTA PHUKAN

3:SMTI. DEBOBALA PHUKAN
W/O. SRI. INDESWAR PHUKAN

4:SRI. INDESWAR PHUKAN
S/O. LT. HEMANTA PHUKAN ALL ARE R/O. VILL.- KALALUR NAMDUNG

BLK
P/O. DHEMECHI
P/S. MORAN
DIST. DIBRUGARH
ASSAM
PIN-785675 PRESENTLY RESIDING AT- C/O. BIRESWAR GOGOI
VILL.- THOWRA MAJ GAON
P/O. RAJMAI
P/S. DEMOW
DIST. SIVASAGAR
ASSAM
PIN-785662

5:SRI. KANDARPA SAGAR DIHINGIA
S/O. SAHJAHAN DEHINGIA
R/O. TELIYA PATHAR GAON
P/O. AND P/S. MORAN
DIST. DIBRUGARH
ASSAM

6:SRI. ATUL BARUAH
S/O. SUKUMAR BARUAH
R/O. MOHKHUTI BORBAM GAON
P/O. AND P/S. DEMOW
DIST. SIVASAGAR
ASSAM

Advocate for : MRS DEEPANJALEE DAS BARMAN
Advocate for : B R DAS(R1 To R4) appearing for BARASHA PHUKAN

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 23.02.2026

- 1.** Heard Ms. D. D. Barman, learned counsel for the applicant. Also heard Mr. B. R. Das, learned counsel appearing for the respondent Nos.1 to 4.
- 2.** This Interlocutory Application has been filed by the applicant/Insurance Company in connection with MAC Appeal No.67/2026, praying for stay of execution of the impugned Judgment and Award dated 03.03.2025, passed by the Motor Accident Claims Tribunal, Sivasagar in MAC Case No.39/2021.

- 3.** Learned counsel for the applicant submits that the applicant has impugned the aforesaid Judgment and Award and connected MAC Appeal No.67/2026, which has already been admitted and notices have been issued to the respondent.
- 4.** Learned counsel for the applicant submits that the Insurance Company is also ready to pay 50% of the awarded amount as a condition for grant of stay of the execution of the impugned Judgment.
- 5.** Since, learned counsel for the claimants/respondents does not oppose the submission made by the learned counsel for the applicant, notice to respondent Nos.5 & 6 is waived in this case and the impugned Judgment and Award dated 03.03.2025 passed in MAC Case No.39/2021 passed by the Motor Accident Claims Tribunal, Sivasagar is hereby stayed during the pendency of the connected MAC Appeal No.67/2026, subject to deposit of 50% of the awarded amount by the applicant before the Registry of this Court, within a period of 6 (six) weeks from the date of this order.
- 6.** In the event, the applicant deposits the aforesaid amount, the Registry shall disburse the same to the respondent Nos.1 to 4/claimants after proper verification.
- 7.** This Interlocutory Application is accordingly disposed of.

JUDGE

Comparing Assistant