

GAHC010214832025



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

Case No. : I.A.(Civil)/3536/2025

MRS INDIRA NARAH
W/O- SONMONI NARAH
P/R/O- NAGAN CHUK
PO/PS. JENGRAIMUKH
DIST. MAJULI
PRESENTLY R/O- NO.2 PARBONPU MISSING GAON
PO-MERBIL
PS- LALUK
DIST-LAKHIMPUR
ASSAM.

VERSUS

HDFC ERGO GEN INSURANCE COM LTD
B/O- ADITYAM BUILDING
6TH FLOOR
G.S ROAD
ULUBARI
GAUHATI ASSAM
PIN-781007

Advocate for : B R DAS
Advocate for : MR. T KALITA appearing for HDFC ERGO GEN INSURANCE COM
LTD

In
MACApp. Case No. 460/2025

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

23.03.2026

[1] Heard Mr. B.R. Das, the learned counsel for the applicant appearing through video-conferencing. Also heard Mr. T. Kalita, the learned counsel for the respondent.

[2] This interlocutory application has been filed by the applicant/claimant praying for releasing 50% of the awarded amount which he has been directed to be deposited by the insurance company before the Registry of this court as condition for stay of execution of the awarded amount.

[3] The learned counsel for the applicant has submitted that the witness for the insurance company has deposed before the Motor Accident Claims Tribunal, that the policy in question there was a comprehensive policy, hence, he submits that there is no impairment in allowing the claimant to receive the 50% of the awarded amount which is directed to be deposited by the insurance company.

[4] On the other hand, the learned counsel for the insurance company has submitted that mere admission by one of the witness would not change the nature of the policy issued to the owner of the offending vehicle.

[5] He submits that on a bare perusal of the insurance policy, it would reveal that it is only an "Act Only Policy" and not a "Comprehensive Policy."

[6] He further submits that in the case of "Act Only Policy" the liability of the insurance company of indemnifying the owner may not be there and, therefore, he prays that this interlocutory application be decided only after receipt of the records of MACCase No. 09/2022 as well as after due service of notice on the respondent No. 2.

[7] The prayer is allowed.

[8] This Interlocutory Application (Civil) shall be decided only after receipt of the records of aforesaid MACCase as well as after due service of notice on the respondent No. 2.

[9] List accordingly on 8th May, 2026.

JUDGE

Comparing Assistant