

GAHC010259272024



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

**Case No. : I.A.(Civil)/45/2026**

NATIONAL INSURANCE COMPANY LTD  
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3  
MIDDLETON STREET  
KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH  
G.S. ROAD  
GUWAHATI-781005 REP. BY THE CHIEF REGIONAL MANAGER  
GUWAHATI REGIONAL OFFICE.

VERSUS

DEB PRASAD SHARMA @ DEV PRASAD SHARMA AND 2 ORS  
S/O. CHANDAN MANI SHARMA  
R/O. MALIGAON  
B.G. COLONY  
P/S.JALUKBARI  
GUWAHATI  
KAMRUP(M)  
ASSAM  
PIN-781011.

2:RATUL BARMAN  
S/O. SRI CHAKRADHAR BARMAN  
R/O. PHULGURI  
P/S. BELSOR  
DIST. NALBARI  
ASSAM  
PIN-781304.

3:DHIREN BARMAN  
S/O. SRI CHAKRADHAR BARMAN  
R/O. PHULGURI  
PS. BELSOR

P/O. PANIGAON  
DIST. NALBARI  
ASSAM  
PIN-781304.

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Advocate for : MR T KALITA  
Advocate for : appearing for DEB PRASAD SHARMA @ DEV PRASAD SHARMA  
AND 2 ORS

In

**MACApp./13/2026**

NATIONAL INSURANCE COMPANY LTD  
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3,  
MIDDLETON STREET, KOLKATA AND ITS REGIONAL OFFICE  
AT BHANGAGARH, G.S. ROAD, GUWAHATI-781005 REP. BY  
THE CHIEF REGIONAL MANAGER, GUWAHATI REGIONAL  
OFFICE.

VERSUS

DEB PRASAD SHARMA @ DEV PRASAD SHARMA AND 2  
ORS  
S/O. CHANDAN MANI SHARMA, R/O. MALIGAON, B.G.  
COLONY, P/S.JALUKBARI, GUWAHATI, KAMRUP(M), ASSAM,  
PIN-781011.

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P/O. PANIGAON  
DIST. NALBARI  
ASSAM  
PIN-781304

**Advocate for the Petitioner** : MR T KALITA, MR. A KAKATI

**Advocate for the Respondent** : , MR D MONDAL

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

**ORDER**

**20.02.2026**

**[1]** Heard Mr. T. Kalita, the learned counsel for the applicant. Also heard Mr. D. Mondal, the learned counsel for the respondent No. 1.

**[2]** This application under Order XLI, Rule 5 of the Code of Civil Procedure, 1908 has been preferred by the applicant, in connection with the connected MACAppeal No. 13/2026 praying for stay of execution of the impugned judgment and award dated 22.07.2024, passed by the learned Member, MACT No. 1, Kamrup(M) at Guwahati in MAC Case No. 2221/2017, whereby, the present applicant was directed to pay a compensation amount of Rs. 1,00,49,412/- along with an interest @ of 9% per annum w.e.f. the date of filing of the evidence by the respondent No. 1.

**[3]** The learned counsel for the applicant has submitted that the applicant has impugned the aforesaid judgment and award in the connected MACAppeal No. 13/2026, which has already been admitted and notices have been issued to respondents.

**[4]** He further submits that the applicant is also ready to deposit 50% of the awarded amount as a condition for grant of stay of

execution.

**[5]** The learned counsel for the respondent No. 1/claimant has no objection to the same.

**[6]** Hence, this court does not deem it necessary to issue notice to the remaining respondents, who are the driver and owner of the offending vehicle.

**[7]** Considering the submissions made by the learned counsel for the applicant, the prayer is allowed.

**[8]** The execution of the impugned judgment and award dated 22.07.2024 is hereby stayed, subject to deposit of 50% of the awarded amount by the insurance company/applicant before the Registry of this court, within 6(six) weeks from the date of this order.

**[9]** If in pursuant to this order, the insurance company makes deposit of 50% of the awarded amount, same shall be disbursed to the respondent No. 1/claimant by the Registry after proper verification.

**[10]** This Interlocutory Application (Civil) is accordingly disposed of.

**JUDGE**

**Comparing Assistant**