

GAHC010009942019



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

**Case No. : IA(Civil)/576/2019**

1:SHRIRAM GENERAL INSURANCE CO. LTD  
1000-E/8 RIICO INDUSTRIAL AREA, SITAPURA, JAIPUR RAJASTHAN 302022  
AND HAVING A BRANCH OFFICE AT B.R. ARCADE 3RD FLOOR, 21  
JANAPATH, ULUBARI, GUWAHATI 781007

VERSUS

1:SMTI RIMJHIM DEVI AND 3 ORS  
D/O SRI HITESH NATH, R/O VILL. MONIARI, P.O. PUB BORKA, P.S.  
KAMALPUR, DIST. KAMRUP (R), ASSAM, PIN 781380

2:HITESH NATH  
S/O BANESWAR NATH  
R/O VILL. MONIARI  
P.O. PUB BORKA  
P.S. KAMALPUR  
DIST. KAMRUP (R)  
ASSAM  
PIN 781380

3:MD. NAUSAD HUSSAIN  
S/O MD. NURUL BASAK  
R/O VILL. MANIPURI BASTI  
P.S. PALTANBAZAR  
DIST. KAMRUP  
ASSAM  
PIN 781008

4:AMAR RAMCHIARY  
S/O SRI MAHENDRA RAMCHIARY  
R/O VILL. ANGARKATA  
P.S. KUMRIKATA

DIST. BAKSA  
ASSAM  
PIN 78136

**Advocate for the Petitioner** : MR. R GOSWAMI

**Advocate for the Respondent** :

Linked Case : MAC App 97 of 2019

1:SHRIRAM GENERAL INSURANCE CO. LTD  
1000-E/8 RIICO INDUSTRIAL AREA  
SITAPURA  
JAIPUR RAJASTHAN 302022 AND HAVING A BRANCH OFFICE AT B.R.  
ARCADE 3RD FLOOR  
21 JANAPATH  
ULUBARI  
GUWAHATI 781007

VERSUS

1:SMTI RIMJHIM DEVI AND 3 ORS  
D/O SRI HITESH NATH  
R/O VILL. MONIARI  
P.O. PUB BORKA  
P.S. KAMALPUR  
DIST. KAMRUP (R)  
ASSAM  
PIN 781380

2:HITESH NATH  
S/O BANESWAR NATH  
R/O VILL. MONIARI  
P.O. PUB BORKA  
P.S. KAMALPUR  
DIST. KAMRUP (R)  
ASSAM  
PIN 781380

3:MD. NAUSAD HUSSAIN  
S/O MD. NURUL BASAK  
R/O VILL. MANIPURI BASTI

P.S. PALTANBAZAR  
DIST. KAMRUP  
ASSAM  
PIN 781008

4:AMAR RAMCHIARY  
S/O SRI MAHENDRA RAMCHIARY  
R/O VILL. ANGARKATA  
P.S. KUMRIKATA  
DIST. BAKSA  
ASSAM  
PIN 781360

Advocate for the Petitioner : MR. R GOSWAMI  
Advocate for the Respondent :

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 28-02-2019**

Heard Mr. R. Goswami, learned counsel for the applicant.

This I.A. under order XLI Rule 5, Code of Criminal Procedure, 1908 is preferred praying for stay of the judgment and award dated 08.11.2018 passed by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup (M), Guwahati in MAC Case No. 2803/2015.

By the judgment and award dated 08.11.2018, the learned Tribunal has awarded an amount of Rs.15,21,344/- as compensation along with interest at the rate of 7.5% per annum from the date of filing of the written statement by the applicant insurer till its realization.

Mr. Goswami, learned counsel for the applicant has submitted that the claimants-opposite parties are the father and the sister of the deceased who was a bachelor at the time of his death and the amount awarded by the Tribunal is excessive.

I have considered the submissions made on behalf of the applicant.

Pending disposal of the appeal, the operation of the impugned award dated 08.11.2018 is suspended, subject to deposit of 50% of awarded amount of Rs.15,21,344/- before the Registry of this Court within a period of 45 (forty-five) days from today.

This I.A. is accordingly, disposed of.

**JUDGE**

**Comparing Assistant**