

GAHC010242412018



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

I.A.(Civil) 1087/2019

1:M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA
AIRPORT ROAD
NERADA
PUNE- 411006 AND NORTH EASTERN REGIONAL OFFICE AT SREEJI TOWER
3RD FLOOR
C/GAUHATI TEA WARE HOUSING PVT. LTD.
ADJACENT TO MAHINDRA SHOWROOM
WALFORD
CHRISTIANBASTI
GUWAHATI
PIN- 781005
KAMRUP (M) DISTRICT
ASSAM
(REP. BY ITS LEGAL OFFICER
CLAIMS DEPARTMENT SRI NAYAN CHOUDHURY
AGED ABOUT 28 YEARS).

VERSUS

1:SMTI. DHANALATA MECH AND 10 ORS.
W/O- LATE INDRA KANTA MECH R/O- NO.1 KATHALGURI GAON
P.O.- BOKULONI CHARIALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

2:SRI LALIT MECH
S/O- LATE INDRA KANTA MECH
R/O- NO.1 KATHALGURI GAON
P.O.- BOKULONI CHARIALI
PIN- 786191

P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

3:M/S. NATIONAL INSURANCE COMPANY LIMITED
DULIAJAN BRANCH
STATION ROAD
(REP. BY THE BRANCH MANAGER)
P.O. AND P.S. DULIAJAN
PIN- 786602
DIST.- DIBRUGARH
ASSAM. (INSURER OF VEHICLE NO. AS-23/F-2496 (MARUTI ALTO LXI
BS-3).

4:SRI UZWAL BORAH
S/O- SRI PHULESWAR BORAH
R/O- VILL.- NAHAT GOROIMARI GAON
P.O.- NAHAT
PIN- 785662
P.S. DEMOW
DIST.- SIVASAGAR
ASSAM. (OWNER-CUM-DRIVER OF TATA WINGER VEHICLE NO. AS-03/AC-
0388).

5:SMTI. NABAMI BASUMATARY
W/O- LATE KAMALA BASUMATARY
LEGAL HEIR OF LATE RAMESH BASUMATARY
THE OWNER-CUM-DRIVER OF AS-23/F-2496 (MARUTI ALTO LXI
BS-3).
R/O- PADUMONI GAON
P.O.- BHADOI PANCHALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

6:SMTI. MANJU BASUMATARY
W/O- LATE RAMESH BASUMATARY
LEGAL HEIR OF LATE RAMESH BASUMATARY
THE OWNER-CUM-DRIVER OF AS-23/F-2496 (MARUTI ALTO LXI
BS-3).
R/O- PADUMONI GAON
P.O.- BHADOI PANCHALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

7:SRI BHADRA BASUMATARY
S/O- LATE RAMESH BASUMATARY
LEGAL HEIR OF LATE RAMESH BASUMATARY
THE OWNER-CUM-DRIVER OF AS-23/F-2496 (MARUTI ALTO LXI
BS-3).
R/O- PADUMONI GAON
P.O.- BHADOI PANCHALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

8:MS. PRIYANKA BASUMATARY
D/O- LATE RAMESH BASUMATARY
LEGAL HEIR OF LATE RAMESH BASUMATARY
THE OWNER-CUM-DRIVER OF AS-23/F-2496 (MARUTI ALTO LXI
BS-3).
R/O- PADUMONI GAON
P.O.- BHADOI PANCHALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

9:MS. NIHA BASUMATARY
D/O- LATE RAMESH BASUMATARY
LEGAL HEIR OF LATE RAMESH BASUMATARY
THE OWNER-CUM-DRIVER OF AS-23/F-2496 (MARUTI ALTO LXI
BS-3).
R/O- PADUMONI GAON
P.O.- BHADOI PANCHALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM.

10:SMTI. MIRA MECH BONIA
W/O- SRI BISHNU PRASAD BONIA

D/O- LATE INDRA KANTA MECH
R/O- VILL.- NO. 2 BOKULONI
P.O.- BOKULONI CHARIALI
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM

11:SMTI. TARAMONI MECH GOGOI

W/O- SRI NILA GOGOI
D/O- LATE INDRA KANTA MECH
R/O- VILL. NO. 1 NAOHOLIA MAZGAON
P.O.- NAOHOLIA
PIN- 786191
P.S. DULIAJAN
DIST.- DIBRUGARH
ASSAM

Advocate for the Petitioner : MR. P HAZARIKA
Advocate for the Respondent : MR. P J SAIKIA

In Case No. : MACApp. 180/2019

1:M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED AND HEAD OFFICE AT GE PLAZA, AIRPORT ROAD, NERADA, PUNE- 411006 AND NORTH EASTERN REGIONAL OFFICE AT SREEJI TOWER, 3RD FLOOR, C/GAUHATI TEA WARE HOUSING PVT. LTD., ADJACENT TO MAHINDRA SHOWROOM, WALFORD, CHRISTIANBASTI, GUWAHATI, PIN- 781005, KAMRUP (M) DISTRICT, ASSAM, (REP. BY ITS LEGAL OFFICER, CLAIMS DEPARTMENT SRI NAYAN CHOUDHURY, AGED ABOUT 28 YEARS).

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W/O- LATE INDRA KANTA MECH
R/O- NO.1 KATHALGURI GAON, P.O.- BOKULONI CHARIALI, PIN- 786191, P.S. DULIAJAN, DIST.- DIBRUGARH, ASSAM.

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S/O- LATE INDRA KANTA MECH
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DIST.- DIBRUGARH
ASSA

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : MR. P J SAIKIA

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 29-03-2019

Heard Mr. P Hazarika, learned counsel for the appellant/ applicant and Ms. M Kechii, learned counsel appearing for the respondent/opposite party Nos. 1 and 2.

By this application, the applicant has prayed for stay/ suspension of the operation of the impugned Judgment and Award dated 30.07.2018 passed by the learned Member, MACT, Dibrugarh in MAC Case No.39 of 2010.

In view of the admission of the connected appeal being MAC Appeal No. 180 of 2019, the operation of the impugned Judgment and Award dated 30.07.2018 passed by the learned Member, MACT, Dibrugarh in MAC Case No.39 of 2010 is hereby stayed subject to deposit of 50% of the awarded amount to the Registry of this Court within a period of one month.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant