GAHC010191262026

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

Case No. : I.A.(Civil)/3174/2026

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 87
M. G. ROAD
FORT
MUMBAI-400001 AND ONE OF ITS NORTH EASTERN REGIONAL OFFICE AT
LACHIT NAGAR
G.S. ROAD
GUWAHATI-781007

VERSUS

DIL BAHADUR CHETRY AND 2 ORS.
S/O LT. PREM BAHADUR CHETRY
RESIDENT OF VILLAGE NEPALIBASTI
P.O. NEPALIBASTI
P.S. MISSAMARI
DISTRICT SONITPUR
ASSAM
PIN-784506.

2:SARBAN ROY
S/O RAJDEO RAY
R/O VILLAGE BARIKA CHUBURI
P.S. TEZPUR
DISTRICT SONITPUR
ASSAM
PIN-784154.

3:GHANASHYAM ADHIKARI
S/O MAN BAHADUR ADHIKARI
R/O VILLAGE NAPAM
P.O. NAPAM

P.S. TEZPUR
DISTRICT SONITPUR
ASSAM
PIN-784028

Advocate for : A BIYANI
Advocate for : appearing for DIL BAHADUR CHETRY AND 2 ORS.

In
MACApp./489/2026

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 87, M. G. ROAD, FORT, MUMBAI 400001 AND ONE OF ITS NORTH EASTERN REGIONAL OFFICE AT LACHIT NAGAR, G.S. ROAD, GUWAHATI 781007.

VERSUS

DIL BAHADUR CHETRY AND 2 ORS.
S/O LT. PREM BAHADUR CHETRY, RESIDENT OF VILLAGE NEPALLIBASTI, P.O. NEPALIBASTI, P.S. MISSAMARI, DISTRICT SONITPUR, ASSAM, PIN 784506.

2:SARBAN ROY
S/O RAJDEO RAY
R/O VILLAGE BARIKA CHUBURI
P.S. TEZPUR
DISTRICT SONITPUR
ASSAM
PIN 784154.

3:GHANSHYAM ADHIKARI
S/O MAN BAHADUR ADHIKARI
R/O VILLAGE NAPAM
P.O. NAPAM
P.S. TEZPUR
DISTRICT SONITPUR
ASSAM
PIN 784028

Advocate for the Petitioner : A BIYANI, MS P HUJURI,MR. R K BHATRA

Advocate for the Respondent : MR. S R GOGOI(R1), MR. C SARMAH(R1)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

14.10.2026

1. Heard Mr.R.K. Bhatra,the learned counselfor theapplicant. Also heard Mr. S.R. Gogoi, the learned counsel for the opposite party No. 1/claimant.

2. This interlocutory application has been filed by the applicant/ insurance company in connection with MAC Appeal No. 489/2026, praying for stay of execution of the judgment and award dated 20.06.2026, passed by the Motor Accident Claims Tribunal, Sonitpur, Tezpur in MAC Case No. 49/2022.

3. The learned counsel for the applicant has submitted that though there was no permanent disability of the claimant as a result of the accident involved in the case, however, while calculating the loss of income, the Tribunal has applied the multiplier formula and multiplied the yearly income of the injured with the multiplier 15, which, according to the learned counsel for the applicant, is a wrong calculation. He submits that said aspect has been assailed by the insurance company in the connected appeal. He, however, submits that considering the aforesaid circumstances, the applicant/insurance company is still ready to deposit 25 % of the awarded amount as a condition for grant of stay of execution of the impugned judgment and award.

4. The learned counsel for the claimant/opposite parties has not raised any objection.

5. Hence the prayer is allowed,withoutissuing notice to the other opposite parties.

6. The judgment and award dated 20.06.2026, passed in MAC Case No. 49/2022 shall not be executed during the pendency of the connected MAC

Appeal, subject to deposit of 25% of the awarded amount by the applicant/Insurance Company before the Registry of this Court within a period of 4(four) weeks from the date of this order.

7. On such deposit being made, same shall be disbursed to the claimant/opposite party No. 1 after proper verification, on furnishing an indemnity bond equivalent to the amount so disburse.

8. With the above observation, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant