

GAHC040002862023



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

**Case No. : IA(C) 43/2023**

1: Maya Pradhan  
W/o Lt. Krishna Bahadur Pradhan,  
R/o Tenga Market, PO Tenga Market, PS Rupa, Dist. West Kameng, Arunachal Pradesh.  
Mobile No. 8730943433

VERSUS

1: National Insurance Company Ltd. and Anr.  
Having its registered office at Kolkata. Regional Office at G.S. Road, Guwahati, Assam 781005.  
Represented by its Branch Manager, North Lakhimpur Branch, G.H.S. Road, Lakhimpur, Assam. 787001

2: Rina Saksa  
Proprietor of M/s Agri Enterprises

Village Khuppi  
PO Dedza  
PS Rupa  
Dist. West Kameng  
Arunachal Pradesh

**Advocate for the Petitioner** : Rinchin Ledo Thungon

**Advocate for the Respondent** :

**BEFORE  
HONBLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 01.03.2023**

Heard Mr. R. L. Thungon, learned counsel appearing on behalf of the applicant.

This is an application seeking leave of this Court for withdrawing the balance compensation amount of Rs. 2,71,086/- (Rupees two lakh seventy one thousand eighty six) only which has been deposited by the National Insurance Company Limited in terms of order dated 12.12.2022, passed by this Court in IA(C)/No.236/2022 (Maya Pradhan Vs. National Insurance Company Limited & Anr).

It is submitted by the learned counsel for the applicant that this Court vide judgment and order dated 18.05.2018, passed in MAC Appeal No. 19/2018, has awarded compensation amount to the tune of Rs. 11,72,400/- (Rupees eleven lakh seventy two thousand four hundred) only with 9% interest from the date of institution of claim petition in favor of the present applicant. During the pendency of MAC Appeal No. 19/2018, the opposite party/National Insurance Company was directed to deposit 50% of the awarded amount, which was put to challenge in the appeal. Accordingly, the opposite party No. 1/National Insurance Company deposited an amount of Rs. 7,12,000/- (Rupees seven lakh twelve thousand) only before the Registry and by filing the IA(C)/122(AP)/2019, the said amount was withdrawn by the applicant.

Further, in compliance of judgement and order dated 18.05.2018, passed

in MAC Appeal No. 19/2018, an amount of Rs. 6,42,086/- (Rupees six lakh forty two thousand eighty six) only was deposited by the opposite party No. 1/National Insurance Company in the Registry of this Court, but the said amount, which was deposited by the opposite party No. 1/National Insurance Company, was lesser than what the applicant was actually entitled to and therefore, claiming additional amount of Rs. 3,45,894/- (Rupees Three lakh forty-five thousand eight hundred ninety-four) only, the applicant filed IA(C)/236/2022 before this Court. After the proper calculation, the National Insurance Company Limited agreed to pay Rs. 3,01,206/- (Rupees Three lakh one thousand two hundred six) only to the applicant. Accordingly, vide the order dated 12.12.2022, this Court disposed of IA(C)/No. 236/2022 with a direction to deposit a sum of Rs. 3,01,206/- (Rupees three lakh one thousand two hundred six) only within a month. By the said order, the applicant was also allowed to withdraw an amount of Rs. 6,42,086/- (Rupees Six lakh forty-two thousand eighty-six) only which was already deposited by the opposite party No. 1/National Insurance Company Limited in the Registry.

Thereafter, in compliance of order dated 12.12.2022, the opposite party No. 1/National Insurance Company Limited had deposited an amount of Rs. 2,71,086/- (Rupees two lakh seventy-one thousand eighty-six) only after deduction of 10% TDS and the said amount was deposited in the Registry of the Court. The applicant therefore, prays to withdraw the said amount which was lying in the Registry, as deposited by opposite party No. 1/National Insurance Company Limited.

After hearing the submission of learned counsel for the applicant and also considering the entire aspects of the case, the applicant is allowed to withdraw

the balance compensation amount, which has been deposited by the National Insurance Company Limited before the Registry of this Court upon proper verification and identification by the Registry.

With the above observation, this Interlocutory Application stands disposed of.

**JUDGE**

**Comparing Assistant**