

GAHC010249172022



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

Case No: I.A.(Civil)/3776/2023

SWARNALATA NATH AND ANR
W/O SARAT CH NATH

VILL.- PATPARA

P.O. AND P.S.- DHUPDHARA

DIST.- GOALPARA
ASSAM
PIN- 783130.

2: SARAT CH NATH
F/O LATE GOPEN @ GOUTAM NATH

VILL.- PATPARA

P.O. AND P.S.- DHUPDHARA

DIST.- GOALPARA
ASSAM
PIN- 783130.
VERSUS

ORIENTAL INURANCE COMPANY LTD. AND 2 ORS
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI
G.S. ROAD
ULUBARI
GUWAHATI- 781007 REP. BY THE DEPUTY MANAGER
GAUHATI REGIONAL OFFICE
ULUBARI
GUWAHATI- 781005.

2:MD. ABU CHAMA ALI
S/O LATE TACHER ALI

VILL.- NATUN DEUCHAR

P.O. AND P.S.- BOKO

DIST.- KAMRUP

ASSAM

PIN- 781123.

3:MD. RAHUL AMIN
S/O MD. ABDUL KADER

R/O KATAHBARI 2 NO. MAJID GOLI
GUWAHATI

P.O. AND P.S.- GARCHUK

DIST.- KAMRUP (M)

ASSAM

PIN- 781035.

Advocate for : MR. A BHATTACHARYYA
Advocate for : MS. R D MOZUMDAR appearing for ORIENTAL INURANCE
COMPANY LTD. AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 22.12.2023

Heard Mr. A. Bhattacharyya, learned counsel for the applicants. Also heard Ms. R.D. Mozumdar, learned counsel for the opposite party no.1.

2. By filing this interlocutory application, the applicants have prayed for allowing them to permit withdrawal of 50% of the awarded amount deposited by the opposite party no.1, i.e. Oriental Insurance Company Ltd. in connection with MAC Case No. 65/2018 before the Court of learned Member, MACT No.3, Kamrup (M), Guwahati.

3. The learned counsel for the opposite party no.1, i.e. Oriental Insurance Company Ltd. has submitted that pursuant to order dated 07.12.2022, passed in the connected MAC Appeal, the 50% of the award has been deposited before the learned MACT No.3, Kamrup (M), Guwahati.

4. Accordingly, the learned counsel for the submits that the LCR is required to be send back and only on receipt of the LCR, the Tribunal would be able to release the deposited amount to the applicant. It is also submitted that as per the award passed, an amount of Rs.2,00,000/- each in two fixed deposits is required to be deposited in the name of claimant no.1 for a period of 5 (five) years. It is submitted that if the said amount is retained, out of Rs.5,61,200/- (Rupees five lakh sixty one thousand two hundred), the applicants can only receive Rs.1,61,200/- (Rupees one lakh sixty one thousand two hundred) and it is submitted that the said amount would be meager because out of the said amount, Rs.40,000/- (Rupees forty thousand only) is required to be released to the claimant no.2, who is the father of the deceased.

5. Taking note of the submission made by the learned counsel for the applicant, the Court is inclined to order release of the deposited amount as follows:

(a) The Member, MACT No.3, Kamrup (M), Guwahati, shall, out of the 50% deposited amount, shall convert Rs.2,00,000/- (Rupees two lakh only), by way of Rs.1,00,000/- (Rupees one lakh only) each in two fixed deposit amount in the name of the applicant no.1, i.e. Smti. Swarnalata Nath, mother of the deceased.

(b) A sum of Rs.20,000/- (Rupees twenty thousand only) shall be released in favour of the applicant no.2, i.e. Sarat Ch. Nath,

father of the deceased.

(c) The remaining amount shall released to the applicant no.1 into her bank account on being identified by her learned counsel and on providing all the bank particulars to the learned Tribunal.

6. To facilitate the release of the 50% amount deposited in favour of the applicants/claimants, let the LCR be send back to the learned Member, MACT No.3, Kamrup (M), Guwahati. On such payment being released to the claimants, the LCR shall be expeditiously returned back to this Court.

7. With the aforesaid direction, this interlocutory application stands closed.

JUDGE

Comparing Assistant