

GAHC010013482023



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

Case No. : I.A.(Civil)/626/2023

SMTI. RUN KUMARI GIRI AND 2 ORS.
W/O LATE LAL DAMODAR GIRI, R/O AMSIANG, JORABAT, P.S.
SATGAON, GUWAHATI, DIST. KAMRUP (M), ASSAM

2: SURYA GIRI
S/O LATE LAL DAMODAR GIRI
R/O AMSIANG
JORABAT
P.S. SATGAON
GUWAHATI
DIST. KAMRUP (M)
ASSAM

3: SOBAN GIRI
S/O LATE LAL DAMODAR GIRI
R/O AMSIANG
JORABAT
P.S. SATGAON
GUWAHATI
DIST. KAMRUP (M)
ASSA

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED AND 2 ORS.
REPRESENTED BY THE CHIEF REGIONAL MANAGER, REGIONAL
OFFICE, ULUBARI, P.O.-ULUBARI, P.S.-PALTANBAZAR, GUWAHATI-07,
DIST-KAMRUP (M), ASSAM

2:ARUP ENGLENG
S/O SRI PARASHU ENGLENG
R/O AMSIANG
JORABAT
P.O.-SATGAON

GUWAHATI
DIST-KAMRUP (M)
ASSAM

3:PRANAB DAS
S/O RAM CHARAN DAS
R/O AMSIANG
JORABAT
P.O.-SATGAON
GUWAHATI
DIST-KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 22.03.2024

Heard Mr.R. Goswami, learned counsel for the applicant/claimant.
Also heard Mr. S. Dutta, learned counsel for the respondent.

This application has been filed praying for withdrawal of Rs.15,21,935/- which has been deposited before the Registry of this Court in compliance of the order dated 1/11/2019 passed in I.A.(Civil) 3457/2019 in MAC.App.525/2019.

The respondent has filed objection on the ground that the Driver of the offending vehicle did not have valid driving license at the time accident. The learned counsel for the applicant submits that in the impugned judgment and order, it has been clearly directed the Insurance company shall first release the awarded amount for onward

disbursement to the claimant and then recover the same from the opposite party owner of the vehicle in due course of time. He further submits that the husband of the claimant died in the year 2015 due to the said vehicle accident and since then, the claimant is suffering and not yet received any compensation amount despite of an order being passed on 29.4.2019.

Upon hearing the learned counsel for the parties and having regards to the facts and circumstances of the case and submission made, this Court is of the view that 50% of the total awarded amount already deposited by the Insurance company before the Registry of this Court may be released to the applicant/claimant.

Accordingly, the Registry is directed to release Rs. 15,21,935/- deposited by the appellant to the applicants/claimants on proper verification and identification by their learned counsel.

With the above, the I.A stands allowed and disposed of.

JUDGE

Comparing Assistant