

GAHC010065242023



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

Case No. : I.A.(Civil)/840/2023

ANU KHATUN AND 3 ORS.
W/O LATE MIR HUSSAIN ALI,
VILL.- LOWER MIRZAPUR,
P.S.- AZARA, DIST.- KAMRUP, ASSAM.

2: SONIA BEGUM
D/O LATE MIR HUSSAIN ALI

VILL.- LOWER MIRZAPUR

P.S.- AZARA
DIST.- KAMRUP
ASSAM.

3: ANISA BEGUM
D/O LATE MIR HUSSAIN ALI

VILL.- LOWER MIRZAPUR

P.S.- AZARA
DIST.- KAMRUP
ASSAM.

4: MOMINA KHATUN
M/O LATE MIR HUSSAIN ALI

VILL.- LOWER MIRZAPUR

P.S.- AZARA
DIST.- KAMRUP
ASSAM

VERSUS

M/S UNITED INDIA INSURANCE COMPANY LIMITED.
REGIONAL OFFICE, G.S. ROAD, GUWAHATI- 5 REP. BY THE CHIEF
REGIONAL MANAGER.

Advocate for the Petitioner : MR. R BARUAH

Advocate for the Respondent : MR. M DUTTA

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

09.02.2024

Heard Mr. A. Ikbal, learned counsel appearing for the applicants. Also heard Ms. S. Dev, learned counsel representing the respondent Insurance Company.

The Insurance Company has already deposited 50% of the awarded amount in respect of MAC Appeal No.836/2022. The present application has been filed praying for leave to withdraw the said 50% of the awarded amount, which is lying deposited before the Registry of this Court.

The Insurance Company has filed an objection stating that the driver of the alleged concerned vehicle did not have a valid licence to carry vehicle with hazardous substance.

I have gone through the impugned judgment passed by the MACT No.2, Kamrup(M) in MAC Case No.1348/2017.

This plea was earlier taken before the Tribunal and the Tribunal held that the Insurance Company failed to prove whether the cylinders carried by the truck were full of hazardous substance.

I have decided to agree with the applicants that under the given circumstances of the case, they are entitled to receive the aforesaid 50% of the awarded amount, which is lying deposited in the Registry of this Court.

Accordingly, the claimants/applicants are allowed to withdraw the 50% of the awarded amount which is lying deposited in the Registry of this Court with proper verification and identification.

The Interlocutory Application is disposed of.

JUDGE

Comparing Assistant