

GAHC010079692019



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

Case No. : I.A.(Civil)/1499/2019

MISS AMIRUN NESSA and ORS
W/O MD. RUSTOM ALI, VILL. 2 NO. MADA, P.O. CHAKCHAKA, P.S.
SARBHOG, DIST. BARPETA, PIN 781317, ASSAM.

VERSUS

REGIONAL MANAGER UNITED INDIA INSURANCE CIO. LTD. AND ANR
UNITED INDIA INSURANCE CO. LTD. CHRISTIAN BASTI, GUWAHATI,
ASSAM, PIN 781007

2:MD. GIYASUDDIN AHMED
S/O LATE ABDUL GANI
VILL. LACHIMA
P.S. MUKALMUA
DIST. NALBARI
PIN 781126
ASSAM

Advocate for the Petitioner : MR G SARMA, MR. K R PATGIRI

Advocate for the Respondent : MR S DUTTA, MR. C SHARMA

Linked Case : MACApp./260/2006

UNITED INDIA INSURANCE CIO. LTD.
REGD. OFFICE AT 24
WHITES ROAD
CHENNAI-14 AND REGIONAL OFFICE AT GUWAHATI.

VERSUS

MISS AMIRUN NESSA and ORS
W/O MD. RUSTOM ALI
VILL 2 NO. MEDA
PS-SORBHOG
DIST - BARPETA
ASSAM.

2:2. MD. GIYASUDDIN AHMED

S/O LATE ABDUL GANI
VILL-LACHIMA
PS-MUKALMUA
DIST - NALBARI
ASSAM. OWNER OF THE VEHICLE NO.AS-01/P-2194.

Advocate for : MR.R KAUR
Advocate for : appearing for MISS AMIRUN NESSA and ORS

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 02-09-2024

Heard Mr. K.R. Patgiri, learned counsel for the applicants. Also heard Mr. S. Dutta, learned counsel for the opposite parties.

2. The learned counsel for the applicants submits that he may be allowed to withdraw Rs.25,000/- which was deposited by the Insurance Company as statutory amount for the realization the 9% interest per annum imposed on the awarded amount of Rs.1,66,000/- vide the Judgment dated 21.03.2012 in MAC.Appeal No.260/2006. He submits that the total of Rs.1,68,000/- has been received by the applicant and there remained some amount to be received by the applicants since the Insurance Company was directed to pay the sum of

Rs. 1,66,000/- along with 9% interest per annum from the date of filing of the claimed application to the claimant.

3. Mr. S. Dutta, learned counsel appearing for the Insurance Company submits that there is no clarity in the instant application filed by the applicant to the total amount to be received by the applicant. He submits that since the applicant has already received Rs.1.68,000/-, it is not know whether the applicant is still entitled to receive the statutory amount of Rs.25,000/- deposited by the Insurance Company.

4. On hearing the submissions made by the learned counsels for both the parties, this court finds it appropriate to direct the applicant is to take steps to calculate the amount still due after receiving the sum of Rs.1,68,000/- in terms of the Judgment dated 21.03.2012, wherein the Insurance Company is to pay a sum of Rs.1,66,000/- along with 9% interest per annum from the date of filing of the claimed application to the claimant. Thereafter, the respondent/Insurance Company is to take necessary steps to pay the amount still due, if any, to the applicant wherein, the statutory amount of Rs.25,000/- deposited in this Registry, may be withdrawn by the applilcant if found due.

5. The instant I.A. No._I.A.(Civil)/1499/2019 stand disposed of with the above direction.

JUDGE

Comparing Assistant