

GAHC010103252024



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

Case No. : I.A.(Civil)/2010/2024

SRIMATI BHARATI DEKA AND 2 ORS
W/O LATE TANKESWAR DEKA, R/O VILL. NO. 1, MOHMARI VILL., P.S.
DULIAJAN, DIST. DIBRUGARH, ASSAM.

2: SRI PALLAB DEKA
S/O LATE TANKESWAR DEKA
R/O VILL. NO. 1 MOHMARI VILL.
P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM.

3: SRI PRANAB DEKA
S/O LATE TANKESWAR DEKA
R/O VILL. NO. 1 MOHMARI VILL.
P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM

VERSUS

UNITED INDIA INSURANCE CO. LTD.
REPRESENTED BY THE CHIEF REGIONAL MANAGER, REGIONAL OFFICE
AT GUWAHATI, DIST. KAMRUP (M), ASSAM-781005 (INSURER OF THE
VEHICLE NO. AS-06/L-2507 COVER NOTE NO. GRO/176655 VALID FROM
15.03.2012 UPTO 14.03.203)

Advocate for the Petitioner : MR D MONDAL,

Advocate for the Respondent : MR A BORKATAKI,

Linked Case : MACApp./686/2018

SRIMATI BHARATI DEKA AND 2 ORS
W/O LATE TANKESWAR DEKA
R/O VILL. NO. 1
MOHMARI VILL.
P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM.

2: SRI PALLAB DEKA
S/O LATE TANKESWAR DEKA
R/O VILL. NO. 1 MOHMARI VILL.
P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM.

3: SRI PRANAB DEKA
S/O LATE TANKESWAR DEKA
R/O VILL. NO. 1 MOHMARI VILL.
P.S. DULIAJAN
DIST. DIBRUGARH
ASSAM.
VERSUS

SRI SACHIN ROY AND 2 ORS
S/O SRI BINOY ROY
VILL. BORDUBI BAZAR
P.S. BORDUBI
DIST. TINSUKIA
ASSAM-786151 (OWNER OF THE VEHICLE NO. AS-06/L-2507)

2:SRI RANJIT DEKA

S/O SRI JOGESH DEKA
VILL. BORDUBI BAZAR
P.S. BORDUBI
DIST. TINSUKIA
ASSAM 786151 (DRIVER OF THE VEHICLE NO. AS-06/L-2507)

3:UNITED INDIA INSURANCE CO. LTD.
REPRESENTED BY THE CHIEF REGIONAL MANAGER
REGIONAL OFFICE AT GUWAHATI
DIST. KAMRUP (M)
ASSAM-781005 (INSURER OF THE VEHICLE NO. AS-06/L-2507 COVER NOTE
NO. GRO/176655 VALID FROM 15.03.2012 UPTO 14.03.203)

Advocate for : MR D MONDAL

Advocate for : MR. A BARKATAKI (R3) appearing for SRI SACHIN ROY AND 2
ORS

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

22.08.2024

Heard Mr. D. Mondal, learned counsel for the applicants/claimants. Also heard Mr. A.Borkataki, learned counsel for respondent No. 3.

This is an application under Section 151 CPC seeking resending of the Trial Court Record (TCR) to the Motor Accident Claims Tribunal No. 2, Kamrup (Metro), Guwahati.

The facts of the case is that the applicants/claimants as appellants have preferred an appeal before this Court assailing the Judgment and Award dated 18.04.2018 passed by the Member, Motor Accident Claims Tribunal No. 3, Kamrup (Metro) in MAC Case No. 2487/2012 for enhancement of the impugned awarded.

By the said judgment, the opposite party i.e. United India Insurance Company Limited was directed by the learned Tribunal to pay the awarded sum with interest within three months. However, in the meantime, the claimants as appellants have preferred the present appeal which was admitted for hearing and upon admission and called for the TCR, the same was received by this Court.

In the meantime, during the pendency of the present appeal, the opposite party, United India Insurance Company Limited has deposited the awarded

amount with interest in terms of the impugned Judgment and Award before the MACT. However, since the TCR is not available with the jurisdiction MACT, the learned Member was not in a position to release the deposited awarded amount in favour of the applicants/claimants.

Situated thus, the present Interlocutory Application has been filed for resending the TCR in order to enable the jurisdictional MACT to release the deposited awarded amount in favour of the applicants/claimants.

It appears that the order sought for is necessary in the ends of justice to enable the MACT to release the deposited awarded amount.

Accordingly, it is directed that the TCR be sent back to the Motor Accidents Claims Tribunal No. 2, Kamrup(Metro), Guwahati and after releasing the deposited awarded payment in favour of the applicants/claimants, the case record be sent back to the Registry of this Court.

With the aforesaid directions and observations, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant