

GAHC010105382022



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

Case No. : CRP/59/2022

DHANAN RABHA
S/O KHAGEN RABHA, R/O VILL-KASUMARI, P.S.-KRISHNAI, DIST-
GOALPARA, ASSAM

VERSUS

THE DIVISIONAL MANAGER THE ORIENTAL INSURANCE COMPANY LTD.
AND 2 ORS.
CHAPAGURI ROAD, P.O.-BONGAIGAON, DIST-BONGAIGAON, ASSAM-
783380

2:KAMINI KUMAR GHOSH
W/O LATE PRATAP CHANDRA GHOSH
R/O VILL- GOALTULI
P.O. AND P.S.-GOALPARA
DIST- GOALPARA
ASSAM-783101

3:SANIDUL ISLAM
S/O RABIUL ISLAM
WARD NO. 13
GOALPARA TOWN
P.O. AND P.S.-GOALPARA
DIST- GOALPARA
ASSAM-78310

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : MR. R BORO (R-2,3)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.01.2024

Heard the learned counsel Mr. D. Das appearing for the petitioner.

The petitioner filed the claim petition before the Motor Accident Claims Tribunal, Goalpara seeking compensation of ₹25 lakhs. Subsequently, the petitioner settled the matter with the Insurance Company for an amount of ₹5 lakhs. Thereafter, the Tribunal directed that the sum of ₹1 lakh out of the said 5 lakhs rupees, should be kept as fixed deposit in the name of the claimant himself for a period of three years.

Mr. Das submits that the aforesaid direction of the Tribunal is unnecessary because the claimant had settled the matter with the Insurance Company because urgent need of money.

I have considered the submissions of Mr. Das.

This Court is of the opinion that the direction of the Tribunal asking for deposit of ₹1 lakh out of ₹5 lakhs is unnecessary. Therefore, the order dated 15.12.2021 passed by the Motor Accident Claims Tribunal, Goalpara in MAC Case No.385/2021 stands modified. The Tribunal is directed to disburse the entire amount of ₹5 lakhs to the claimant along with interest, if there be any, without any riders.

With the aforesaid direction, the instant petition is disposed of.

JUDGE

Comparing Assistant