

GAHC010105902022



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

Case No. : CRP/141/2022

SABINA BEGUM
W/O LATE SOFIOR RAHMAN, R/O VILL- KHAGLIPARA (MAMUDPUR PART-II), P.S.-MATIA, P.O.-GOHAIBORI UNDER DOLGOMA BRANCH OFFICE,
DIST- GOALPARA, ASSAM

VERSUS

THE DIVISIONAL MANAGER, UNITED INDIA INSURANCE COMPANY
LIMITED AND ANR.
BONGAIGAON DIVISIONAL OFFICE, P.O.-BONGAIGAON, ASSAM-783380
(INSURER OF VEHICLE NO. AS-18C-9835)

2:MOFIDUL ISLAM
S/O LATE ABDUL HAMID
R/O VILL-PAHARSINGPARA
P.O.-DUBAPARA
P.S.-MORNOI
DIST-GOALPARA
ASSAM-783101 (OWNER CUM DRIVER OF VEHICLE NO. AS-18C-9835)

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : MR. R C PAUL (r-1)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 13.05.2024

Heard Mr.D. Das, learned counsel appearing for the petitioner. Also heard Mr. R.C. Paul, learned counsel appearing for the respondent No. 1/Insurance Company.

2. This is an application under Article 227 of the Constitution of Indian challenging the order dated 06.10.2021 passed by the MACT, Goalpara in MAC Case No. 432/2019 directing the petitioner to submit Succession Certificate for receiving the awarded amount.

3. The facts leading to filing of this application are –

Sofior Rahman was injured in a motor accident. Therefore, he filed the MAC Case No. 432/2019 seeking compensation from the Insurance Company. Both sides had a settlement in the Lok Adalat dated 10.07.2021, whereby the Insurance Company agreed to pay an amount of Rs.5,30,000/- (Rupees five lakh thirty thousand) only. Accordingly, the money was deposited by the Insurance Company.

4. Before Sofior Rahman could withdraw the aforesaid amount, he expired on 30.08.2021. His wife and children went to the Tribunal to receive the money and the Tribunal held that a Succession Certificate would be required to receive the money.

5. After hearing both sides, this Court is of the opinion that the money deposited by the Insurance Company is not a debt according to the Indian

Succession Act. Therefore, requirement of Succession Certificate is not necessary in this matter.

6. The Tribunal is directed to disburse the aforesaid amount of Rs.5,30,000/- (Rupees five lakh thirty thousand) only on the basis of the next of kin certificate filed by the petitioner. The Tribunal shall also take one indemnity bond of the same amount before disbursing the money to the petitioner.

7. With the aforesaid directions, the revision petition stands disposed of.

JUDGE

Comparing Assistant