

GAHC010129002024



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

Case No. : I.A.(Civil)/1978/2024

BIBHUTI SARMA AND 2 ORS.
S/O LATE SARAT CHANDRA SARMA,
VILL.- KATLABARKUCHI, P.S.- NALBARI, DIST.- NALBARI, ASSAM PIN-
781337.

2: ABHIJIT SARMA
S/O BIBHUTI SARMA

VILL.- KATLABARKUCHI
P.S.- NALBARI
DIST.- NALBARI
ASSAM PIN- 781337.

3: UPASANA SARMA
D/O SRI BIBHUTI SARMA

VILL.- KATLABARKUCHI
P.S.- NALBARI
DIST.- NALBARI
ASSAM PIN- 781337

VERSUS

SHRIRAM GENERAL INSURANCE COMPANY LIMITED 2 ORS
HAVING ITS CORPORATE OFFICE AT E-8, EPIP, RIICO INDUSTRIAL AREA,
SITAPURA, JAIPUR, RAJASTHAN, INDIA PIN- 302022 AND ONE OF THE
BRANCH OFFICES AT B.R. ARCADE, 3RD FLOOR, OPPOSITE TO PRIYA
PALACE HOTEL, 21, JANAPATH, ULUBARI, GUWAHATI- 780507, KAMRUP.

2:MD. ELIYAS ALI
S/O LATE MANIR ALI

VILL.- BAMUNBARI
P.O.- BAMUNBARI

P.S.- MUKALMUA
DIST.- NALBARI
ASSAM
PIN- 781312.

3:MD. SAHAR ALI
S/O AZGAR ALI

HOUSE NO. 2
WARD NO. 6
BIRINA PATH HATIGAON
P.O AND P.S.- HATIGAON
DIST.- KAMRUP (M)
ASSAM PIN- 781038

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : MR. A J SAIKIA,

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 28-08-2024

Heard Mr. A. Bhattacharjee, learned counsel for the applicants. Also heard Mr. A.J. Saikia, learned counsel for the opposite party.

By filing this application, the applicants/claimants have prayed for withdrawal of the amount of Rs.15 lakh (Rupees Fifteen Lakh) deposited by the appellant company in terms of the order dated 04.03.2024 passed in I.A.(Civil) 648/2024 arising out of MAC.App No.95/2024.

Mr. A.J. Saikia, learned counsel for the opposite party has vehemently oppose the application on the ground that the victim/claimants was and are salaried persons. There is every chance to succeed in the connected appeal. Therefore, the claimants are not entitled to withdraw the amount deposited before this Court.

Having considered that the total award is of Rs.39,17,171/- (Rupees thirty nine lakh seventeen thousand one hundred seventy one only)and the amount deposited is below 50%, I

deem it appropriate to allow the applicant to withdraw the said amount of Rs.15 lakhs (Rupees Fifteen lakh) deposited before the Registry of this Court.

Accordingly, the applicants are allowed to withdraw the amount of Rs.15 lakhs (Rupees fifteen lakh) by filing a bond before the Registry of the Court with proper identification.

I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant