

GAHC010090752018



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

Case No. : WP(C)/2893/2018

SMTI. JAYA SAIKIA
W/O- HAREN CH SAIKIA, KALYANPUR, WARD NO-10, BISWANATH
CHARIALI, MOUZA- BISWANATH, P.O. BISWANATH CHARIALI, DIST-
BISWANATH, ASSAM, PIN-784176

VERSUS

THE BRANCH MANAGER, AXIS BANK AND ANR.
A REGISTERED BANKING COMPANY, HAVING ITS BRANCH AT CHHIBER
HOUSE, G.S.ROAD, DISPUR- 781005, DIST- KAMRUP, ASSAM

2:THE NEW INDIA ASSURANCE CO. LTD
D.O 112700
222ND FLOOR
MITTAL CHAMBERS
NARIMAL POINT
MUMBAI-40002

Advocate for the Petitioner : MR K DAS

Advocate for the Respondent : Mukesh Sharma (R1)

Linked Case : WP(C)/4599/2018

PRASTUTI BHUYAN
WIFE OF LATE BIDYUT SAIKIA
RESIDENT OF KALYANPUR
BISWANATH CHARIALI
MOUZA- BISWANATH
POST OFFICE- BISWANATH CHARIALI
DISTRICT- BISWANATH (ASSAM).

VERSUS

AXIS BANK AND 2 ORS.
ZONAL HEAD OFFICE
CHHIBER HOUSE
G.S. ROAD
DISPUR
GUWAHATI
ASSAM. PIN- 781005.

2:THE BRANCH MANAGER

AXIS BANK
GUWAHATI (AS) BRANCH
CHHIBER HOUSE
G.S. ROAD
DISPUR
GUWAHATI
ASSAM
PIN- 781005.

3:THE NEW INDIA ASSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87
M.G. ROAD
FORT
MUMBAI AND ITS REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI.

Advocate for : MR. B BORA

Advocate for : MR. K K BHATRA (R3) appearing for AXIS BANK AND 2 ORS.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 06.05.2024

Heard Mr. K. Das, learned counsel for the petitioner in WP(C) 2893/2018 and Mr. P. S. Raja, learned counsel for the petitioner in WP(C) 4599/2018. Also heard Mr. R. K. Bhatra, learned counsel for the respondent No. 2 and Mr. M. Sharma, learned counsel for the respondent No. 1.

2. By filing the instant writ petitions, the petitioners are seeking a direction from the respondents to release the ATM Personal Accident Insurance Claim Benefit, amounting to Rs.2 Lakh to the respective nominees of Late Bidyut Saikia, i.e., mother Smt. Jaya Saikia in WP(C) 2893/2018 and wife Prastuti Bhuyan in WP(C) 4599/2018 respectively.

3. Pertinent that this Court by order dated 28.03.2024 permitted the Insurance Company to deposit the cheque pertaining to ATM Insurance in respect of the petitioners before the Registrar General, Gauhati High Court.

4. Today when the matter was called for, Mr. R. K. Bhatra, learned counsel for the Insurance Company/respondent No. 2 submits that a sum of Rs. 2 Lakh has been deposited before the Registrar General, Gauhati High Court.

4. Mr. K. Das, learned counsel for the petitioner in WP(C) 2893/2018 and Mr. P. S. Raja, learned counsel for the petitioner in WP(C) 4599/2018 confirm that the said amount of Rs. 2 Lakh has been deposited in favour of the Registrar General, Gauhati High Court.

5. It is further submitted at the Bar that in view of the aforesaid deposit made by the Insurance Company, both the writ petitions can be disposed of with a direction to disburse the aforesaid amount equally between the two claimants/nominees of Late Bidyut Saikia.

6. In view of the aforesaid endorsement made by the learned counsels for the parties, this Court deems appropriate for the ends of justice to dispose of these writ petitions with a direction that the aforesaid amount of Rs. 2 Lakh deposited by the Insurance Company before the Registrar General, Gauhati High Court be distributed equally between the two petitioners, namely, Smt. Jaya

Saikia in WP(C) 2893/2018 and Prastuti Bhuyan in WP(C) 4599/2018 on proper identification.

7. Let this exercise be completed within a period of 10 days from today.
8. This writ petitions are accordingly disposed of.

JUDGE

Comparing Assistant