

GAHC010156782024



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

Case No. : I.A.(Civil)/2402/2024

CHARUBALA @ CHARULATA BARMAN AND 2 ORS.
W/O LATE ANIL BARMAN, R/O BANGAON, (KALBARI) NALBARI, P.S.-
BELSOR, DIST.- NALBARI, ASSAM.

2: DHIRAJ BARMAN
S/O LATE ANIL BARMAN
R/O BANGAON
(KALBARI) NALBARI
P.S.- BELSOR
DIST.- NALBARI
ASSAM.

3: TINKU MONI BARMAN
D/O LATE ANIL BARMAN
R/O BANGAON
(KALBARI) NALBARI
P.S.- BELSOR
DIST.- NALBARI
ASSAM.
(BEING MINOR
REP. BY HER MOTHER
THE APPELLANT NO. 1

VERSUS

UNION OF INDIA AND 2 ORS.
REP. BY SECRETARY TO GOVT. OF INDIA, MINISTRY OF DEFENCE, NEW
DELHI, PIN- 110011.

2:5/5 GR (FF)
C/O 99 APO ARMY CAMP
GUWAHATI
PIN- 781009.

3:R/N BISHAL BISWAKARMA
S/O TILAK BAHADUR BISWAKARMA

R/O NALBARI ARMY CAMP
ASTC BUILDING
NALBARI
DIST.- NALBARI
ASSAM
PIN- 781335

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.09.2024

Heard Mr. A. Bhattacharyya, learned counsel for the applicants.

2. This interlocutory application is preferred by the applicants for sending back the LCR of MAC Case No. 365/2021, to the Court of learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati for the purpose of receiving the awarded amount deposited by the opposite party Nos. 1 and 2, pursuant to the judgment and award dated 18.05.2023, passed by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati, in MAC Case No. 365/2021.

3. Mr. Bhattacharyya, learned counsel for the applicants submits that against the judgment and award dated 18.05.2023, the applicants had preferred an appeal before this Court, which is registered as MACApp. No. 314/2023, for enhancement of the awarded amount and after admitting the appeal, this Court was pleased to call for the record from the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati and the same has been received

and subsequent thereto, the opposite party Nos. 1 and 2 had deposited the awarded amount before the learned Tribunal. But, the said amount has not been released by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati on account of non-availability of the record of MAC Case No. 365/2021, and therefore, this application is preferred for sending back the LCR of MAC Case No. 365/2021.

4. Having heard the submission of learned counsel for the applicants and considering the facts and circumstances on the record, the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup(M), Guwahati is directed to start a supplementary file in respect of MAC Case No. 365/2021 and to release the awarded amount to the applicants within a period of one week from the date of receipt of certified copy of this order.

5. In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant