

GAHC010165622018



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

Case No. : MACApp./721/2018

THE BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD
HAVING ITS REGD. AND HEAD OFFICE AT GE PLAZA, AIRPORT ROAD,
NERADA, PUNE- 411006 AND NORTH EASTERN REGIONAL OFFICE AT
SREEJI TOWER, 2ND FLOOR, C/O GAUHATI TEA WARE HOUSING PVT.
LTD., ADJACENT TO MAHINDRA SHOWROOM, CHRISTIAN BASTI, GHY-5,
KAMRUP (M) DISTRICT, ASSAM (REP. BY ITS LEGAL EXECUTIVE, CLAIMS
DEPTT., MR. RANJAN JYOTI BORAH)

VERSUS

MD ASSADAR ALI AND 2 ORS
S/O- LT RASHID ALI, R/O- VILL- TELTIKAR, PART-II, P.S. KATIGORAH, DIST-
CACHAR, ASSAM, PIN- 788805

2:MD. MOTIUR RAHMAN
S/O- LT ATAUR RAHMAN
R/O- VILL- KORAIKANDI PART-II
P.S. KATIGORAH
DIST- CACHAR
ASSAM
PIN- 788805 (OWNER OF THE OFFENDING VEHICLE)

3:MD. AHMED MUSTAFA
S/O- MOTIUR RAHMAN
R/O- VILL- KORAIKANDI PART-II
P.S. KATIGORAH
DIST- CACHAR
ASSAM
PIN- 788805 (DRIVER OF THE OFFENDING VEHICLE)

Advocate for the Petitioner : MR. A BHATTACHARYYA,

Advocate for the Respondent : MR. S NATH, MR. T U LASKAR (R-1),MR E AHMED (R-1),MS C MEDHI

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

20.12.2024

Mr. A. Bhattacharyya, learned counsel for the appellant/Insurance Company submits that he has received instructions not to press the instant appeal and accordingly, makes an endorsement to that effect.

2. It appears that the instant appeal has been filed by the Insurance Company against the Judgment and Award dated 13.11.2017 passed by the learned MACT, Cachar, Silchar, Assam, in MAC Case No.14/2011, whereby compensation of Rs.16,330/- (Rupees Sixteen Thousand Three Hundred Thirty) was awarded in favour of the claimant along with 6% per annum interest w.e.f. the date of filing of the claim application till realization of the full amount.

3. Pertinent that at the time of filing the present appeal, the appellant/ Insurance Company deposited an amount of Rs.8165/- (Rupees Eight Thousand One Hundred Sixty Five) by cheque bearing No.783793 dated 18.07.2018 issued in favour of the Registrar General, Gauhati High Court on 30.07.2018 against the statutory deposit for filing of appeal under Section 173 of the Motor Vehicles Act, 1988.

3. In view of the endorsement made today, the present appeal filed by the Insurance Company stands dismissed on withdrawal. It is accordingly provided

that the statutory deposit, which was deposited by the appellant/ Insurance Company, as stated above, shall be returned forthwith to the appellant/Insurance Company by the Registry.

4. It is needless to be clarified that the entire amount of the awarded compensation or balance, as the case may be, shall be deposited by the appellant/Insurance Company before the Registry for releasing the same in favour of the claimant, as provided in the judgment and order under appeal within 6(six) weeks from today and as and when the said awarded amount is deposited by the appellant/Insurance Company, the Registry shall forthwith release the same to the claimant in accordance with law.

JUDGE

Comparing Assistant