

GAHC010168852024



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

Case No. : I.A.(Civil)/2623/2024

MAZIDA KHATUN AND 4 ORS
D/O LATE ALI HUSSAIN,
VILL.- KUHUMTOLI (NAMPARA), P.O.- SIBASTHAN, P.S.- SAMAGURI, DIST.-
NAGAON, ASSAM, PIN- 782140.
(REPRESENTED BY RESPONDENT NO. 1).

2: MAZIDA KHATUN
D/O LATE ALI HUSSAIN

VILL.- KUHUMTOLI (NAMPARA)
P.O.- SIBASTHAN
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM
PIN- 782140.

3: ABEDA KHATUN
D/O LATE ALI HUSSAIN

VILL.- KUHUMTOLI (NAMPARA)
P.O.- SIBASTHAN
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM
PIN- 782140.

4: ARJINA KHATUN
D/O LATE ALI HUSSAIN

VILL.- KUHUMTOLI (NAMPARA)
P.O.- SIBASTHAN
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM

PIN- 782140.

5: MARFUJA KHATUN
D/O LATE ALI HUSSAIN

VILL.- KUHUMTOLI (NAMPARA)
P.O.- SIBASTHAN
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM
PIN- 782140

VERSUS

ORIENTAL INSURANCE COMPANY LTD AND 2 ORS
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI- 781007, REP. BY THE
DEPUTY MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI-
781005.

2:SANJAY KR. DEY
S/O LT. SADAY KR. DEY

VILL.- LANKA
NETAJI ROAD
WARD NO. 9
P.O. AND P.S.- LANKA
DIST.- NAGAON
ASSAM
PIN- 782446.

3:BIPUL MONI BORA
S/O RANJIT CH. BORA

VILL.- MAJGAON
P.O.- SINGIA
P.S.- SAMAGURI
DIST.- NAGAON
ASSAM
PIN- 782142

Advocate for the Petitioner : MR. FIRUZ KHAN, MR U CHAUDHURY ,MS LITO AWOMI,K.
SUMI,RHITUSHREE TALUKDAR,P. NATH,Q. KIBA,M. GLORY ,MR. FIRUZ KHAN

Advocate for the Respondent : MS. R D MOZUMDAR,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 23.09.2024

1. Heard Mr. F. Khan, learned counsel for the applicants/respondents. Also heard Ms. R. D. Mozumdar, learned counsel for the opposite party/appellant.
2. This Interlocutory Application has been filed by the respondents/claimants praying for release of 50% of the amount, which was awarded as compensation to them by the impugned Judgment in MAC Case No.158/2020.
3. The learned counsel for the opposite party/appellant has submitted that she has no objection to the prayer made by the applicants, the amount that is released subject to furnish indemnity bond by the applicants to that effect as well as also subject to the condition that an amount of Rs.50,000/- each shall be fixed deposited in the name of applicant Nos.2, 3, 4 and 5, who are minor children of the deceased that was directed by the Motor Accident Claims Tribunal in the impugning Judgment.
4. The learned counsel for the applicants has submitted that he has no objection in furnishing an indemnity bond as well as depositing Rs.50,000/- each in the name of the applicant Nos.2, 3, 4 and 5 in a fixed deposit amount in a Nationalize Bank.
5. Considering the grounds mentioned in the appeal as well as submissions made by the learned counsel for both the sides, this Interlocutory Application is allowed.
6. The amount of Rs.7,04,678/- has been deposited by the Insurance Company before the Registry of this Court and shall be released to the applicants subject to the following conditions:
 - (i). The applicants shall furnish an indemnity bond to the tune of Rs.7,04,678/-

undertaking thereby to indemnify the said amount, if they fail to deposit the amount back in the event of allowing of the appeal.

(ii). The out of the released amount of Rs.50,000/- each shall be deposited in fixed deposit accounts in the name of applicant Nos.2, 3, 4 and 5, namely, Miss Mazida Khatun, Miss Abeda Khatun, Miss Arjina Khatun and Miss Marfuja Khatun respectively in a Nationalized Bank.

7. As the applicant Nos. 2, 3, 4 and 5 are minor, the Registry shall release the said amount to the applicant No.1, i.e., Mustt. Majeda Khatun, who is the mother of all other applicants, after proper verification.

8. The applicants shall also deposit an affidavit to the effect to show that the fixed deposit account directed by this order has been opened in the name of applicant Nos. 2, 3, 4 and 5 after getting the aforesaid amount within a period of 30 days from the release of the said amount. A photo copy of the FD deposit slips may also be annexed along with the affidavit to be sworn by the applicant No.1.

9. This I.A. Stands Disposed of.

JUDGE

Comparing Assistant