

GAHC010182402023



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

Case No. : Review.Pet./107/2023

UNION OF INDIA
REPRESENTED BY GENERAL MANAGER (CLAIMS), N.F. RAILWAY,
MALIGAON, GUWAHATI 781001.

VERSUS

SMTI MANANI DAS AND 4 ORS.
W/O LATE GAUTAM CHANDRA DAS, RESIDET OF VILLAGE GERUAPARA,
NALBARI, P.S.- MUSALPUR, DIST. BAKSA, ASSAM, PIN-

2:SRI NIBIR DAS.
S/O LATE GAUTAM CHANDRA DAS

RESIDET OF VILLAGE GERUAPARA
NALBARI
PS MUSALPUR
DIST BAKSA
ASSAM

3:SRI BARNIL DAS
S/O LATE GAUTAM CHANDRA DAS

RESIDET OF VILLAGE GERUAPARA
NALBARI
PS MUSALPUR
DIST BAKSA
ASSAM

4:SMTI. ANIMA DAS
MOTHER OF LATE GAUTAM CHANDRA DAS

RESIDET OF VILLAGE GERUAPARA
NALBARI
PS MUSALPUR
DIST BAKSA
ASSAM

5:SRI KAILASH CHANDRA DAS
FATHER OF LATE GAUTAM CHANDRA DAS

RESIDET OF VILLAGE GERUAPARA
NALBARI
PS MUSALPUR
DIST BAKSA
ASSA

Advocate for the Petitioner : MR. K GOGOI

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

26.06.2024

Heard Shri K. Gogoi, learned CGC, who appears for the applicant in this review petition by which the review has been sought for with regard to the order dated 17.07.2023 passed in IA(C)/1889/2023 arising out of MFA/54/2023.

It is submitted that while granting the interim order, there was a direction for deposit of 50% of the awarded amount. The learned CGC has referred to the provisions of Order XXVII Rule 8A of the CPC and has contended that the appellant being the Railways, which is exempted from making any deposit.

The aforesaid point raised being pure point of law, this Court is of the view that a case for exercising the review powers are made out. Accordingly, the order dated 17.07.2022 has been reviewed and the condition for deposit of 50%

which was attached for suspending the Award is removed.

The review application accordingly stands allowed.

JUDGE

Comparing Assistant