

GAHC010112062020



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

I.A.(Civil)/3040/2022

SWEETY KAPOOR HUSSAIN AND 2 ORS
W/O LT. BIRUL HUSSAIN
R/O VILL. 3 NO. PUB DAGAON
P.O. AND P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN 785612

2: SUHAIL HUSSAIN
S/O LATE BIRUL HUSSAIN
R/O VILL. 3 NO. PUB DAGAON
P.O. AND P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN 785612

3: MAIZAN BEGUM
M/O LT BIRUL HUSSAIN
R/O VILL. 3 NO. PUB DAGAON
P.O. AND P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN 785612(RESPONDENT NO. 2 IS REPRESENTED BY RESPONDENT NO. 1)
VERSUS

ORIENTAL INSURANCE CO LTD AND 3 ORS.
HAVING ITS REGIONAL OFFICE AT GUWAHATI
ULUBARI
GUWAHATI 781007 REPRESENTED BY THE ASSTT. MANAGER
GAUHATI REGIONAL OFFICE
ULUBARI
GUWAHATI 781007
KAMRUP (M)
ASSAM.

2:SURENDRA CHOUDHURY
S/O LT. K.L. CHOUDHURY
R/O BARIDUA AMARIGOG
NEAR EAST PETROL PUMP
P.O. AMERIGOG
P.S. KHANAPRA
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN 781023

3:SAHAR ALI
S/O MD. JAINUDDIN ALI
R/O VILL. BARIKATI
P.O. MATHTOLI
P.S. BOKO
DIST. KAMRUP
ASSAM
PIN 781136

4:KALU MOHAMMAD SEKH HUSSAIN
F/O LT. BIRUL HUSSAIN
R/O VILL. 3 NO. PUB DAGAON
P.O. AND P.S. BOKAKHAT
DIST. GOLAGHAT
ASSAM
PIN 78612

Advocate for : MR G JALAN

Advocate for : MS. R D MOZUMDAR appearing for ORIENTAL INSURANCE CO
LTD AND 3 ORS.

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

29.02.2024

Heard Mr. G. Jalan, learned counsel appearing for the applicants.
Also heard Mrs. R.D. Mazumdar, learned counsel appearing for the
opposite party Oriental Insurance Company Limited.

2. In MAC Case No.989/2017, the Tribunal directed the Insurance
Company to pay an amount of ₹53,83,744/- along with interest at the

rate of 7.5% per annum from the date of filing of the claim petition till final payment.

3. Out of the aforesaid amount, 50% has already been deposited by the Oriental Insurance Company Limited in the Registry of this court.

4. The present application has been filed praying for permission to withdraw the aforesaid 50% of the total awarded amount which is lying deposited in the Registry of this Court.

5. Mr. Jalan submits that out of the aforesaid deposited amount, an amount of ₹10 lakhs may be kept fixed deposited in the name of minor Suhail Hussain for a period of 10 years in a nationalized Bank and the remaining amount of the aforesaid 50% of the money, may be given to the other two claimants jointly.

6. Mrs. Mazumdar submits that the Insurance Company has no objection if any such order is passed in this matter.

7. Therefore, the prayer is allowed.

8. The 50% of the total awarded amount which is lying deposited in the Registry of this Court, shall be given to the claimants Sweety Kapoor Hussain and Maizan Begum jointly subject to deposit an amount of ₹10 lakh out of that amount in the name of Suhail Hussain in a fixed deposit for the next 10 years.

With the above direction, the Interlocutory Application is disposed of.

JUDGE

Comparing Assistant