

GAHC010243722024



undefined

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

Case No. : I.A.(Civil)/3802/2024

RABI SANKAR DAS @ RABISHANGKAR DAS
S/O- LATE RAMESH CHANDRA DAS, R/O- VILL.- NIZ KATIGORAH, PT.-III,
P.O. AND P.S. KATIGORAH, DIST.- CACHAR, ASSAM, PIN- 788805.

VERSUS

THE NATIONAL INSURANCE COMPANY LIMITED AND ANR
REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET, CALCUTTA-
700071, REP. BY THE DEPUTY MANAGER, GAUHATI REGIONAL OFFICE,
BHANGAGARH, GUWAHATI- 781005, KAMRUP(M), ASSAM.

2:PRONoy CHAKRABORTY
S/O- LATE PRAFULLA KUMAR CHAKRABORTY
R/O- VILL.- KATIGORAH
P.O. AND P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788805

Advocate for the Petitioner : MR. M TALUKDAR,

Advocate for the Respondent : MS. R D MOZUMDAR,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 09.12.2024

Heard Mr. S. Dutta, learned Senior counsel assisted by Mr. M. Talukdar, learned counsel for the applicant. Also heard Mr. S. P. Sharma, learned counsel for the respondents.

This is an application praying for allowing the claimant/respondent No.2 in MAC Appeal No.112/2023 to withdraw the amount of Rs.30,78,292/- deposited by the appellant/ National Insurance Company before the Registry of this Court and the amount of Rs.31,88,564/- deposited before the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar, Assam.

It is submitted that in compliance of the order dated 31.03.2023 passed by this Court in I.A.(Civil) No.853/2023 arising out of the MAC Appeal No.112/2023, the appellant Insurance Company deposited a sum of Rs.30,78,292/- before the Registry of this Court; and in compliance of the order dated 26.09.2024, passed in MAC Appeal No.112/2023, the appellant/Insurance Company has already deposited Rs.31,88,564/- before the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar.

The learned Senior counsel for the applicant submitted that during the pendency of the appeal, the respondent No.1, i.e., the mother of the applicant had expired.

However, at the time of disposal of the Appeal, the death of the mother was not properly informed to the counsel, due to which the counsel for the

respondent/claimant could not inform to this Court for passing necessary orders to that effect.

By filing this application, the applicant/respondent No.2 in the Appeal prays that since, his mother, respondent No. 1 is no more, he may be allowed to withdraw the 50% of the total awarded amount deposited by the Insurance Company before the Registry amounting to Rs.30,78,292/- from the Registry of this Court and also the remaining amount of Rs.31,88,564/- deposited by the Insurance Company before the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar.

The prayer is considered and allowed.

The Registry is directed to release the amount of Rs.30,78,292/- to the applicant/respondent No.2 in the MAC Appeal No.112/2023, Shri. Rabi Sankar Das @ Rabishangkar Das on proper verification and identification by the counsel.

The learned Member, Motor Accident Claims Tribunal, Cachar at Silchar is also directed to release the remaining amount, amounting to Rs.31,88,564/- deposited by the appellant/Insurance Company to the applicant/respondent No.2 in the MAC Appeal No.112/2023 Shri. Rabi Sankar Das @ Rabishangkar Das on proper verification and identification by their counsel.

With the above direction, the I.A. stands allowed and disposed of.

JUDGE

Comparing Assistant