

GAHC010275422023



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

Case No. : I.A.(Civil)/3632/2023

SAJEDA KHATUN AND 4 ORS.
W/O LATE ROFIQUL ISLAM,
VILL.- KARBALA,
P.O.- BOBINDAPUR,
P.S.- GOALPARA,
DIST.- GOALPARA, ASSAM, PIN- 783101.

2: ROFIKA BEGUM
MINOR
REP. BY RESPONDENT NO. 1

D/O LATE ROFIQUL ISLAM

VILL.- KARBALA

P.O.- BOBINDAPUR

P.S.- GOALPARA

DIST.- GOALPARA
ASSAM
PIN- 783101.

3: SANIDUL ISLAM
MINOR
REP. BY RESPONDENT NO. 1

S/O LATE ROFIQUL ISLAM

VILL.- KARBALA

P.O.- BOBINDAPUR

P.S.- GOALPARA

DIST.- GOALPARA
ASSAM
PIN- 783101.

4: SAJAHAN ALI
MINOR
REP. BY RESPONDENT NO. 1

S/O LATE ROFIQUL ISLAM

VILL.- KARBALA

P.O.- BOBINDAPUR

P.S.- GOALPARA

DIST.- GOALPARA
ASSAM
PIN- 783101.

5: FARHANA AHMED
MINOR
REP. BY RESPONDENT NO. 1

D/O LATE ROFIQUL ISLAM

VILL.- KARBALA

P.O.- BOBINDAPUR

P.S.- GOALPARA

DIST.- GOALPARA
ASSAM
PIN- 783101

VERSUS

NATIONAL INSURANCE COMPANY LTD. AND 2 ORS.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET, KOLKATA AND ITS REGIONAL OFFICE AT BHANGAGARH, G.S.
ROAD, GUWAHATI- 781005 REPRESENTED BY THE CHIEF REGIONAL
MANAGER, GUWAHATI REGIONAL OFFICE.

2: ARINDAM SARKAR
S/O LATE AMAR KR. SARKAR

R/O WARD NO. 4
GOURIPUR

P.O.- GAURIPUR

P.S.- GOURIPUR

DIST.- DHUBRI
ASSAM
PIN- 783331.

3:ASHRAFUL HOQUE
S/O MIAZUDDIN

VILL.- GERAMARI PT- 1

P.O.- GAURIPUR

P.S.- GOURIPUR

DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : MR T KALITA

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 05-03-2024

Heard Mr. P. Hazarika, learned counsel for the applicant/respondent(claimant). I have also head Mr. T. Kalita, learned counsel for the opposite party /appellant and Mrs. K. Devi, learned counsel on behalf of respondent no. 7.

This is an application filed by the applicant praying for a direction to allow the applicant/claimant to withdraw 40% of the awarded amount deposited

by the opposite party/appellant before the Registry of this Court.

By an order dated 03.05.2023, this Court while staying the operation of the impugned judgment and award dated 10.01.2023 had directed the opposite party/appellant to deposit 40 % of the awarded amount before the Registry of this Court. In compliance of the said order dated 03.05.2023, the opposite party/appellant, i.e., National Insurance Company Limited had deposited an amount of Rs.6,40,320/- before the Registry of this Court on 09.06.2023.

By this application, the applicant seeks for a direction for release of the said amount. The opposite party /appellant has no objection to the release of the 40% of the awarded amount, however submits that the amount may be released on execution of bond.

In view of the above, the applicant/claimant is allowed to withdraw 40% of the awarded amount deposited by the National Insurance Company Limited.

The Registry is directed to release 40 % of the awarded amount deposited by the National Insurance Company Limited to the applicant/claimant, Sajeda Khatun, after proper verification and identified by their learned counsel and on execution of a bond of like amount.

With the above, this IA stands allowed and disposed of.

JUDGE

Comparing Assistant