

GAHC010275962023



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

Case No. : I.A.(Civil)/3636/2023

LOKHESWARI KURMI
W/O SRI AMERIKA KURMI,
RESIDENT OF BARUA KHAT GAON, PO BADULIPAR, PS KAMARGAON,
DIST GOLAGHAT, ASSAM 785611

VERSUS

NATIONAL INSURANCE COMPANY LTD.AND 5 ORS.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET KOLKATA AND ITS REGIONAL OFFICE AT GS ROAD,
BHANGAGARH, GUWAHATI

Advocate for the Petitioner : MS. P BARUAH

Advocate for the Respondent : MR. R GOSWAMI

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19-03-2024

Heard Ms. P. Baruah, learned counsel for the applicant/claimant.

I have also heard Mr. R.K. Goswami, learned counsel for the opposite party/appellant.

This is an application seeking a direction to the Registry to allow the applicant/claimant to withdraw the 50% of the awarded amount deposited by the opposite party/appellant before the Registry of this Court in compliance of the order dated 24.03.2023, passed in I.A. (C) 817/2023.

The learned counsel for the opposite party/appellant submits that in an analogous case learned the Tribunal has made the Insurance Company liable for 25%. However, in the instant case, the learned Tribunal has made the Insurance Company 80% liable; as such, the same has been challenged with a prayer for making liability at 25%.

However, the learned counsel for the opposite party/appellant has no objection, if the applicant/claimant is allowed to withdraw Rs. 300,000(Rupees three lakhs) only out of the total deposited amount of Rs.4,92,100/-(Rupees four lakhs ninety two thousand and one hundred) only and the learned counsel for the applicant/claimant has agreed to the said proposal.

In view of the above, the applicant/claimant is allowed to withdraw the amount of Rs. 3,00,000/-(Rupees three lakhs) only out of the total amount of Rs.4,92,100/-(Rupees four lakhs ninety two thousand and one hundred)only .

The Registry is directed to allow the applicant/claimant to withdraw Rs. 3,00,000/- (Rupees three lakhs) only, on proper identification by their learned counsels.

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

JUDGE

Comparing Assistant