

GAHC010283242023



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

Case No. : I.A.(Civil)/3770/2023

NUREDA KHATOON
W/O LATE OMER PHARUK ALI,
R/O VILL. NISUKHA, P.O. BARPETA ROAD,
DIST. BARPETA, ASSAM-781315.

VERSUS

BABUL BHATTACHARJEE AND ANR
A MENTALLY DISABLED PERSON THROUGH HIS NEXT FRIEND, GUARDIAN
AND WIFE SRIMATI AMRITA BHATTACHARJEE,
R/O WARD NO. 2, BARPETA ROAD, ASSAM.

2:NEW INDIA ASSURANCE CO. LTD.
DIVISIONAL OFFICE
BONGAIGAON P.O. BONGAIGAON
DIST. BONGAIGAON ASSAM PIN 783380

Advocate for the Petitioner : MD S HOQUE

Advocate for the Respondent : MR. S DUTTA

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 23.02.2024

Heard Mr. S. Hoque, learned counsel for the applicant/respondent No. 1 and Mr. H. Buragohain, learned counsel for the respondent No. 1/appellant. Also heard Mr. S. Dutta, learned counsel for the respondent No. 2/Insurance Company.

This application has been filed by the applicant/respondent No. 1, praying for allowing the applicant/respondent No. 1 to withdraw the amount deposited by the respondent No.1/appellant before the Commissioner, Workmen's Compensation, North Salmara, Bongaigaon at Abhayapuri, in connection with the judgment and award dated 18.02.2014 passed in W.C. Case No. 121/2010.

It is submitted that by an order dated 26.02.2016 passed in MC No. 3176/2014 in MFA 73/2014, this Court has observed that the employer preferring the appeal against the order of the Commissioner, W.C., mandatorily required to deposit the amount before the W.C. Commissioner. Accordingly, it was directed. And in compliance of the said direction, the appellant had deposited 50% of the awarded amount, amounting to Rs. 2,19,410/- before the Commissioner, Workmen's Compensation, North Salmara, Bongaigaon at Abhayapuri.

By this application, the applicant prays for allowing him to withdraw the said amount deposited by the respondent No. 1/appellant.

Learned counsel for the respondent No.1/appellant has no objection to the release of the amount to the applicant/respondent No. 1.

In view of the above, the Commissioner, Workmen's Compensation, North Salmara, Bongaigaon at Abhayapuri shall release the amount deposited by the respondent No. 1/appellant to the applicant/respondent No.1 within fifteen days from the date of production of this order. It is made clear that in the event, the appellant succeeds, the amount deposited by the appellant shall be realized from the respondent No. 2/Insurance Company.

With the above, this I.A. stands disposed of.

JUDGE

Comparing Assistant