

GAHC030004722024



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

Case No. : I.A.(Civil)/119/2024

SBI General Insurance Co. Ltd.
R/b Sh Tathagata Banerjee, Sr.Manager, Mact and Litigation, SBI General Insurance
Co. Ltd. 3B, Shakespeare Sarani, L and T Building, Opp. Kenilworth Hotel, Kolkata-
700 071

VERSUS

Smt Lalthanthuami
M/o Lalnunsanga, R/o Chhing Veng, Aizawl, Mizoram

Advocate for the Petitioner : Mr. Roshan Subedi

Advocate for the Respondent :

Linked Case : MACApp./19/2019

SBI General Insurance Co Ltd
Aizawl

VERSUS

Laithanthuami
Chhing Veng
Aizawl

Advocate for the Petitioner : Roshan Subedi
Advocate for the Respondent : Mr L H Lianhrima

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

23.07.2024

Heard Mr. Roshan Subedi learned counsel for the applicant who submits that by filing this application, the applicant seeks permission for withdrawal of the statutory deposit made by the applicant amounting to Rs. 25,000/- vide Cheque No. 610949 dated 29.03.2019 for preferring MAC App. No. 19/2019 which is still lying with the Registry of this Court, despite the appeal having already been disposed on 26.07.2019.

The learned counsel submits that against the Judgment & Award dated 19.03.2019 passed by the learned Presiding Officer of the Motor Accident Claims Tribunal (Tribunal) at Aizawl in MACT Case No. 60/2017, the applicant preferred MAC App. No. 19/2019. The appeal was allowed by this Court vide Order dated 26.07.2019 by remanding the matter back before the Tribunal for re-consideration after setting aside the impugned judgment & award of the Tribunal dated 19.03.2019. The learned counsel submits that however, there was no order from this Court allowing the applicant to withdraw the statutory deposit amount of Rs. 25,000/-. The learned counsel therefore submits that the applicant may be allowed to withdraw the same.

Considering the above submission and upon perusal of the application, Registry is directed to verify as to whether any amount, as claimed by the applicant, is pending towards the statutory deposit made in MAC App. No. 19/2019 and upon such verification if it is found that the amount indeed has not been refunded back to the applicant despite disposal of the appeal, the same be refunded to the applicant as per the necessary for disbursal, without delay.

With the above observation and direction, the applicant stands disposed of.

JUDGE

Comparing Assistant