GAHC010172212020

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

Case No. : I.A.(Civil)/2057/2020
In MAC Appeal No. 234/2020

ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGIONAL OFFICE AT GUWAHATI, ULUBARI, GUWAHATI-781007 REP. BY THE DY. MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI-781007, KAMRUP (M), ASSAM.

VERSUS

RUHINI RAMAN SAIKIA AND 2 ORS.
S/O. LT. TULSI SAIKIA, VILL. BORMUTHARIANI GAON, P.O. KHALIHAMARI, P.S. DHEMAJI, DIST. DHEMAJI, ASSAM, PIN-787057.

2:RAMESH GOGOI

S/O. SRI JIBESWAR GOGOI
R/O. CHUTIA GAON (DIBRUAL)
P.O. DHALPUR
P.S. BIHPURIA
DIST. LAKHIMPUR
ASSAM
PIN-784165. (OWNER)

3:NIPUL SAIKIA
S/O. LT. THANESWAR SAIKIA
VILL. NA ALI MAZ GAON
P.O. CHARAIMORIA
P.S. BAGINADI
DIST. LAKHIMPUR
ASSAM
PIN-787032

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent :

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

14.12.2020

By way of this interlocutory application under Section 151, read with Section 152 of the Code of Civil Procedure, 1908, the petitioner has sought for recalling the order dated 06.11.2020, passed in the connected appeal, i.e., MAC Appeal No. 234/2020, whereby this Court has directed the appellant to deposit 50% of the awarded amount with a liberty to withdraw the same, on due identification and proper verification, on the ground that the entire appeal will become infructuous, if the amount is allowed to be withdrawn at this stage as the claim petition is not maintainable as against the appellant/Insurance Company.

Having heard the learned counsel for the petitioner/appellant, the appellant is allowed to deposit the amount as directed earlier and the release of the amount shall be subject to hearing of the learned counsel for both the parties

JUDGE

Comparing Assistant