GAHC010264882025

undefined

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

Case No. : I.A.(Civil)/3888/2025

MOTIBUR RAHMAN
S/O LATE H.M MUJIBUR RAHMAN, R/O RUPAI SIDING (NEAR MASJID), P.O- RUPAI, P.S.- DOOM DOOMA, DIST- TINSUKIA, ASSAM

2: KAWAR SHIRIN
D/O LATE H.M MUJIBUR RAHMAN
R/O RUPAI SIDING (NEAR MASJID)
P.O- RUPAI
P.S.- DOOM DOOMA
DIST- TINSUKIA
ASSAM

Act

VERSUS

THE ORIENTAL INSURANCE COMPNAY LIMITED
HAVING ITS REGIONAL OFFICE AT GODREJ BUILDING, ULUBARI, GUWAHATI-07, REPRESENTED BY ITS DEPUTY MANAGER.

Advocate for the Petitioner : MR. R S MISHRA, MR. A K GUPTA

Advocate for the Respondent : MR J KALITA,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date :09.03.2026

Heard Mr. A.K. Gupta, learned counsel for the applicants. Also heard Mr. J. Kalita, learned counsel for the opposite party.

This application, under Section 151 of the CPC, is preferred by the applicants to withdraw 50% of the awarded amount deposited by the opposite party, pursuant to the order dated 07.04.2025, passed in CRP No. 47/2025.

Mr. Gupta, learned counsel for the applicants submits that the opposite party herein has deposited a sum of Rs. 7,68,500/- before the Registry of this Court, pursuant to the order dated 07.04.2025, passed in CRP No. 47/2025, and that the applicants may be allowed to withdraw the said amount.

On the other hand, Mr. Kalita, learned counsel for the opposite party has opposed the application on the ground that the income of the deceased was wrongly calculated and the claimants are not dependent upon the income of the deceased.

The issues, so raised by Mr. Kalita, learned counsel for the opposite party, will be considered at the time of hearing of the connected CRP No. 47/2025.

Taking note of the submissions of learned counsel for both the parties, and also considering the facts and circumstances on the record, it is provided that 50% of the awarded amount, which was deposited before the Registry of this Court, pursuant to the order dated 07.04.2025, passed in CRP No. 47/2025, shall be released in favour of the applicants on furnishing a bond of equal amount.

In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant