GAHC020008472026

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

Case No. : I.A.(Civil)/269/2026

SHRI INAVI CHISHI AND 4 ORS
F/O LATE JEPITO CHISHI, R/O AKULUTO TOWN, ZUNHEBOTO, PRESENTLY RESIDING AT HOUSE NO. 882 B, PADUMPUKHERI VILLAGE, DIMAPUR, NAGALAND

2: SMTI. VIKHELI CHISHI
W/O INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

3: MR. CHISHIKA
S/O SHRI INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

4: MISS KABOLI CHISHI
D/O SHRI INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

5: MISS LINOKA
S/O SHRI INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

VERSUS

THE ORIENTAL INSURANCE CO. LTD.
HAVING ITS REGISTERED AND HEAD OFFICE OF ORIENTAL HOUSE A - 25/27, ASAF ALI ROAD, NEW DELHI - 110002 AND REGIONAL AND DIVISIONAL OFFICES IN SEVERAL PLACES, INCLUDING REGIONAL OFFICE AT GUWAHATI, ASSAM AND DIVISIONAL OFFICE AT DIMAPUR IN THE STATE OF NAGALAND

Advocate for the Petitioner : MOAJUNGLA,

Advocate for the Respondent : ,

Linked Case : MACApp./12/2025

THE ORIENTAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED ORIENTAL HOUSE A-25/27
ASAF ALI ROAD
NEW DELHI-110002 AND REGIONAL DIVISIONAL OFFICES IN SEVERAL PLACES
INCLUDING A REGIONAL OFFICE AT GUWAHATI ASSAM AND DIVISIONAL OFFICE AT DIMAPUR
IN THE STATE OF NAGALAND.

VERSUS

SHRI INAVI CHISHI AND 6 ORS
F/O LT. JEPITO CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

2:SMTI VIKHELI CHISHI
W/O SHRI INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

3:MR CHISHIKA
S/O INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO

PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

4:MISS KABOLI CHISHI
D/O INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

5:MISS LINOKA
D/O SHRI INAVI CHISHI
R/O AKULUTO TOWN
ZUNHEBOTO
PRESENTLY RESIDING AT H/NO. 882 B PADUMPUKHERI VILLAGE
DIMAPUR NAGALAND

6:MD. MAINUL HOQUE
R/O KHATKHATI
K/A (DRIVER OF THE PICK VEHICLE NEARING NO. NL-07A-7643)

7:SMTI ANITA JAIN
R/O JAIN TEMPLE ROAD
MARWARI PATTI
DIMAPUR
NAGALAND (OWNER OF THE PICK UP VEHICLE BEARING NO. NL.07A- -7643)

Advocate for : KIM PIENYU
Advocate for : MOAJUNGLA appearing for SHRI INAVI CHISHI AND 6 ORS

BEFORE
HONBLE MR JUSTICE NCHUMBEMO MOZHUI

ORDER

09/10/2026

Heard Ms. Moajungla, learned counsel for the applicant as well as Ms. Kim Pienyu, learned counsel for the opposite party.

2. By filing the instant applicant, the applicant prays for modification of the order dated 17.07.2026 in I.A(C)./156/2026 and order dated 08.09.2026 in I.A.(C)./210/2026 and withdrawal of 50%

of the awarded amount.

3. Ms. Moajungla, learned counsel for the applicant submits that the inadvertent error has been caused due to miscalculation on the part of the applicant in giving the correct figure of the 50% of the award amount to Rs. 21,10,944/- (rupees twenty one lakhs ten thousand nine hundred forty-four) which in fact as per the total award amount of the 50% is 21,52,944/- (rupees twenty-one lakhs fifty two thousand Nine hundred Forty-four only). The said error was not intentional but, because of the reason stated above and basing on the miscalculation this Hon'ble Court by order dated 17.07.2026 in I.A(C)./156/2026 and order dated 08.09.2026 in I.A. (C)./210/2026 the 50% of the awarded amount was wrongly reflected.

4. Ms. Kim Pienyu, learned counsel for the opposite party/insurer fairly submits that in terms of the direction of this Court by order dated 22.05.2026, the opposite party/insurer had deposited 50% of the awarded amount before the Registry amounting to Rs. 21,52,944/- (rupees twenty-one lakhs fifty two thousand Nine hundred Forty-four) vide cheque No. 610175.

5. Upon consideration of the submission of the learned counsel for the parties, it would be in the interest of justice that the wrong calculation of the 50% of the awarded amount be read as 21,52,944/- (rupees twenty-one lakhs fifty two thousand Nine hundred Forty-four) instead of Rs. 21,10,944/- (rupees twenty one lakhs ten thousand nine hundred forty-four) and modified accordingly.

6. The application is allowed to the extend as stated above of modification of the awarded amount as 21,52,944/- (rupees twenty-one lakhs fifty two thousand Nine hundred Forty-four) and not Rs. 21,10,944/- (rupees twenty one lakhs ten thousand nine hundred forty-four), in order dated 17.07.2026 in I.A(C)./156/2026 and order dated 08.09.2026, in I.A(C)./210/2026. A copy of this order may be kept on record in I.A(C)./156/2026 and I.A(C)./210/2026.

7. The learned counsel for the applicant further submits that in the event of modification of the order dated 17.07.2026 in I.A(C)./156/2026 and order dated 08.09.2026, in I.A(C)./210/2026, she may be allowed to withdraw the 50% of the award so deposited by the opposite party/insurer in terms of the order dated 08.09.2026 passed in I.A(C)./210/2026.

8. The relevant portion of the order dated 08.09.2026, passed in I.A(C)./210/2026 is reproduced herein below;

> "*9) In view of these facts and circumstances, the Applicant No. 1 has duly authorized his counsel to withdraw the 50% of the award amount from the Registry of this Court.*
>
> *10) It is therefore prayed that the order dated 17.07.2026 passed in I.A.(Civil)/156/2026 may be modified accordingly."*

9. Accordingly, the Registry is directed to issue a fresh cheque in the name of the counsel for the appellant, Moajungla, in view of the order dated 08.09.2026.

10. The I.A(Civil)/269/2026 is disposed of accordingly.

11. The Registry is further directed to do the needful for affecting

of notice on respondent No. 5 by substituted notice and the compliance thereof by the applicant in the main appeal.

Sd/-
JUDGE

Comparing Assistant