

GAHC010179582022



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

Case No. : I.A.(Civil)/2695/2022

SMTI KUNJA GOGOI
W/O LATE CHITRADHAR GOGOI, JAMIRAH DIBRUWAL GAON, P.S.
BARBARUAH, DIST. DIBRUGARH, ASSAM.

VERSUS

NATIONAL INSURANCE COMPANY LIMITED
REGD. OFFICE AT G.S. ROAD, GUWAHATI

Advocate for the Petitioner : MR N C DAS, SR.ADV.

Advocate for the Respondent : MR. B J MUKHERJEE

Linked Case : MACApp./124/2016

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGD. OFFICE AT KOLKATA AND ONE OF THE REGIONAL
OFFICES AT G.S. ROAD
GUWAHATI.

VERSUS

SMTI KUNJA GOGOI and 2 ORS
W/O LATE CHITRADHAR GOGOI
JAMIRAH DIBRUWAL GAON

P.S. BARBARUAH
DIST. DIBRUGARH
ASSAM.

2:UDIRAN SELF HELP GROUP
KOTOHA
P.S. BARBARUAH
DIST. DIBRUGARH
ASSAM.

3:PADMA BIKASH MECH

S/O LATE MANTU MECH
KUTUHA GAON
P.S. BARBARUAH
DIST. DIBRUGARH
ASSAM.

Advocate for : MR A SHARMA
Advocate for : MR N C DAS
SR.ADV. appearing for SMTI KUNJA GOGOI and 2 ORS

Linked Case : I.A.(Civil)/55/2016

NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGD. OFFICE AT KOLKATA AND ONE OF THE REGIONAL
OFFICES AT G.S. ROAD
GUWAHATI.

VERSUS

SMTI KUNJA GOGOI and 2 ORS
W/O LATE CHITRADHAR GOGOI
JAIRAH DIBRUWAL GAON
P.S. BARBARUAH
DIST. DIBRUGARH
ASSAM.

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KUTUHA GAON
P.S. BARBARUAH
DIST. DIBRUGARH
ASSAM.

Advocate for : MR.S S SHARMA

Advocate for : appearing for SMTI KUNJA GOGOI and 2 ORS

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG**

ORDER

Date : 23-09-2022

Heard Mr. M.U. Ahmed, learned counsel for the applicant alongwith Ms. L. Sharma, learned counsel for the opposite party.

This I.A. is for the withdrawal of the 50% of the award amount which was deposited by the appellant/Insurance Company.

He further submits that he has withdrawn 50% of the money deposited i.e. Rs.4,97,954/- and this I.A. is for the withdrawal of the remaining amount i.e. Rs.4,97,954/- stating that in this Court's order dated 23.03.2020, the court had allowed the I.A. No. 3738/2019 for the applicant namely Smt. Kunja Gogoi to withdraw the amount of 50% of the awarded amount deposited by the appellant Company.

Ms. L. Sharma, learned counsel for the appellant/opposite party submits that the 50% of the money deposited has already been withdrawn.

On hearing both the parties and on reading the order dated 02.03.2020, it is seen that the applicant namely: Smt. Kunja Gogoi is permitted to withdraw the amount of 50% deposited by the appellant Company.

In view of the above, it is cleared that the full amount of 50% *i.e.* deposited by the appellant/Company is to be withdrawal.

In view of the above, the Registry is to allow the appellant to withdraw the remaining amount deposited by the Insurance Company *i.e.* Rs.4,97,158/- to the applicant/claimant after due verification.

I.A.(Civil)/2695 of 2022 stands allowed and disposed.

JUDGE

Comparing Assistant