

GAHC010044602026



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

Case No. : I.A.(Civil)/866/2026

SMT KAMALI BARO
LEGAL REPRESENTATIVE AND WIFE OF LATE JUN BORO,
RESIDENT OF VILL- BAGULAMARIP.S.- BARBARIDIST- BAKSA BTAD.PIN-
781344

VERSUS

SRI HOMESWAR BARMAN
S/O- LATE PRABHAT BARMAN.VILL- BAGANPARA,P.S- BARBARIDIST-
BAKSA.PIN-781334

2:SRI MADAN RAJBONGSHI
S/O- B. RAJBONGSHIVILL- BALITORA
P.S- NALBARIDISTRICT-NALBARI
PIN- 781349.

3:THE NEW INDIA ASSURANCE CO LTD
RT OFFICE
NALBARI
-781335

Advocate for the Petitioner : MR. M DEKA, MRS. R DUTTA

Advocate for the Respondent : MR. R C PAUL,

In Case : MACApp./631/2018 (D/O)

SRI JUN BORO

S/O SRI SUMESWAR BORO
VILL. BAGULAMARI
P.S. BARBARI
DIST. BAKSA (BTAD)
ASSAM.

VERSUS

SRI HOMESWAR BARMAN AND 2 ORS
S/O LATE PRABHAT BARMAN
VILL. BAGANPARA
P.S. BARBARI
DIST. BASKA
ASSAM (OWNER OF VEHICLE NO. AS-14/3915 BUS)
PIN 781334

2:SRI MADAN RAJBONGSHI
S/O B. RAJBONGSHI
VILL. BALITORA
P.S. / DIST. NALBARI
ASSAM (DRIVER OF VEHICLE NO. AS-14/3915 BUS) (DRIVER LICENCE NO.
278/NB/06) PIN 781349

3:THE NEW INDIA ASSURANCE CO. LTD.
RT OFFICE
NALBARI
PIN 781335 (INSURER OF VEHICLE NO. AS-14/3915 BUS) (POLICY NO.
530902/31/07/01/00001904 VALID UP TO 11/1/2009)

Advocate for : MR. R MAZUMDAR
Advocate for : MR. R C PAUL (r-3) appearing for SRI HOMESWAR BARMAN AND
2 ORS

WITH
MACApp. Case No. 631/2018

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

05.05.2026

[1] Heard Mr. M. Deka, the learned counsel for
the applicant. Also heard Mr. R.C. Paul, the learned

counsel for the respondent No. 3/assurance company.

[2] It is submitted at bar that the connected MACAppeal No. 631/2018 was disposed of in the Lok-Adalat, which was held on 14th September, 2024.

[3] It is submitted at bar that initially the respondent No. 3/assurance company had deposited an amount of Rs. 19,685/- against compensation payable to the claimant before the Motor Accident Claims Tribunal No. 3, Kamrup(M), Guwahati.

[4] It is further submitted that in the Lok-Adalat assurance company agreed to pay an additional amount of Rs. 30,000/-.

[5] It is further submitted by the learned counsel for the petitioner that after passing of the said order in the Lok-Adalat the claimant, namely, Jun Boro @ Jano Baro had expired on 14.11.2024, without receiving the compensation amount in pursuant to the order passed in the Lok-Adalat.

[6] It is further submitted that as the present applicant, namely, Kamali Baro is the widow of the original claimant Jun Boro@ Jano Baro and is entitled to get the compensation amount awarded to her deceased husband. Hence, this application for substitution has been filed.

[7] Mr. R.C. Paul, the learned counsel for the assurance company submits that the assurance company

does not have any objection to release the amount to the legal heirs of the deceased claimant, namely, Smt. Kamali Baro.

[8] It appears that since the connected MAC Case has been already disposed of, the question of substitution at this stage does not arise. However, the Registry of this court is hereby directed to release the amount of Rs. 30,000 deposited by the assurance company, in pursuant to the order dated 14.09.2024 to the present applicant, namely, Kamali Baro, who is the legal heir of the deceased claimant, after proper verification. Similarly, the Motor Accident Claims Tribunal No. 3, is also directed to release the amount of Rs. 19,685/- which has been deposited by the assurance company in connection with MAC Case No. 1701/2009, to the present appellant, namely, Smt. Kamali Baro, who is the legal heir of the deceased claimant namely, Jun Boro @ Jano Baro, after proper verification.

[9] With the above observations, this interlocutory application is disposed of.

JUDGE

Comparing Assistant