

GAHC010086932026



2026:GAU-AS:7538

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

Case No. : I.A.(Civil)/1450/2026

NIRMALA NAMASUDRA
WO LATE SHRIDHAR NAMASUDRA, RO VILL FAKUAGRAM, PO
FAKUAGRAM, PS RAMKRISHNA NAGAR, DIST KARIMGANJ, ASSAM, PIN
788723

2: RAJIB NAMASUDRA
SO LATE SHRIDHAR NAMASUDRA ALIAS SRIDHAR BISWAS
RO VILL FAKUAGRAM
PO FAKUAGRAM
PS RAMKRISHNA NAGAR
DIST KARIMGANJ
ASSAM
PIN 788723

3: RIYA NAMASUDRA
DO LATE SHRIDHAR NAMASUDRA
RO VILL FAKUAGRAM
PO FAKUAGRAM
PS RAMKRISHNA NAGAR
DIST KARIMGANJ
ASSAM
PIN 788723

4: RANJIT BISWAS ALIAS RANJIT NAMASUDRA
SO LATE SHRIDHAR NAMASUDRA ALIAS SRIDHAR BISWAS
RO VILL FAKUAGRAM
PO FAKUAGRAM
PS RAMKRISHNA NAGAR
DIST KARIMGANJ
ASSAM
PIN 78872

VERSUS

NATIONAL INSURANCE CO LTD
REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET, CALCUTTA
700071, REPRESENTED BY THE ASSISTANT MANAGER, GAUHATI
REGIONAL OFFICE, BHANGAGARH, GHY 781005

2:SOMA CHAKRABORTY
WO BIRPRAJIT CHAKRABORTY
RO HOUSE NO 52
WARD NO 27
GIRISH ROAD
PO TARAPUR
PS SILCHAR
DIST CACHAR
ASSAM
PIN 788003

3:MD SHAIN AHMED
SO MD KALIM UDDIN
RO VILL UTTAR PANIGHAT
PO PANIGHAT
PS KARIMGANJ
DIST KARIMGANJ
ASSAM
PIN 78870

Advocate for the Petitioner : MR. M TALUKDAR,

Advocate for the Respondent : MS. R D MOZUMDAR,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01.06.2026

Heard Mr. M. Talukdar, learned counsel for the applicants. Also heard Ms. R.D. Mozumdar, learned counsel for the opposite party No. 1.

This application is preferred by the applicants/claimants for allowing them to withdraw Rs. 6,85,625/-, being 50% of the awarded amount, which has been deposited before the Registry of this Court by the opposite party No.

1/appellant.

Mr. Talukdar, learned counsel for the applicants submits that the only earning member of the family suffered demise and as such, the applicants have been facing many hardships in maintaining their families, and therefore, he submits that they may be allowed to withdraw the aforesaid amount, which has been deposited before the Registry of this Court. Mr. Talukdar also submits that the applicants are ready to furnish a bond to that effect.

Per contra, Ms. Mozumdar, learned counsel for the opposite party No. 1, submits that she has objection in releasing the aforesaid amount to the applicants as the vehicle in question was a planted vehicle and that the opposite party No. 1/appellant has a very good case.

However, taking note of the submissions of learned counsel for both the parties, and also considering the facts and circumstances on the record, this Court is inclined to allow the applicants to withdraw a sum of Rs. 4,00,000/- out of the amount being deposited before the Registry of this Court, subject however, to furnishing an indemnity bond of equal amount.

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

JUDGE

Comparing Assistant