



GAHC010109352020



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

Case No. : I.A.(Civil)/1330/2020

SUTOPA ROY KAR AND ANR
WIFE OF LATE HIREN ROY, RESIDENT OF VILLAGE OLD COLONY,
MARGHERITA, P.O. AND P.S. MARGHERITA, DISTRICT TINSUKIA, ASSAM

2: PUJA RO

VERSUS

NEW INDIA ASSURANCE COMPANY LIMITED AND 3 ORS
- HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, M.G. ROAD,
FORT, MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH
FLOOR, LACHIT NAGAR, NEAR HANUMAN MANDIR, G.S. ROAD,
GUWAHATI-781007.

2:RAM NARESH GUPTA

3:SUNIL SHARMA

4:NATIONAL UNSURANCE CO. LT

Advocate for the Petitioner : MR.A K SHARMA

Advocate for the Respondent : MR. R GOSWAMI

Linked Case : I.A.(Civil)/257/2020

NEW INDIA ASSURANCE COMPANY LIMITED
Address:HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87



M.G. ROAD
FORT
MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX
5TH FLOOR
LACHIT NAGAR
NEAR HANUMAN MANDIR
G.S. ROAD
GUWAHATI-781007.

VERSUS

SMTI. SUTOPA ROY KAR AND 4 ORS
Address:WIFE OF LATE HIREN ROY
RESIDENT OF VILLAGE OLD COLONY
MARGHERITA
P.O. AND P.S. MARGHERITA
DISTRICT TINSUKIA
ASSAM
2:MISS PUJA ROY
Address:DAUGHTER OF LATE HIREN ROY
RESIDENT OF VILLAGE OLD COLONY
MARGHERITA
P.O. AND P.S. MARGHERITA
DISTRICT TINSUKIA
ASSAM. REPRESENTED BY HER LEGAL GUARDIAN I.E. HER MOTHER SMTI
SUTOPA ROY KAR

3:NATIONAL INSURANCE CO. LTD.
Address:C/O BRANCH MANAGER
NATIONAL INSURANCE CO.LTD
A.T. ROAD
SEGUNARI
MARGHERITA
DISTRICT TINSUKIA
ASSAM. INSURER OF THE VEHICLE NO. AR-01-D-6333 (SANTRO)

4:SRI RAM NARESH GUPTA
Address:SON OF LATE SUKHEO GUPTA
RESIDENT OF NOWLA ENGINEERING
LAKHRA CHARIALI
P.O. AND P.S. BELTOLA
DISTRICT KAMRUP
ASSAM
PIN 781029. OWNER OF THE VEHICLE NO. AS-01-L-4505 TRUCK.

5:SRI SUNIL SHARMA
Address:SON OF SRI RAMBABU SHARMA
RESIDENT OF NOWLA ENGINEERING



LAKHRA CHARIALI
P.O. AND P.S. BELTOLA
DISTRICT KAMRUP
ASSAM
PIN 781029. DRIVER OF THE VEHICLE NO. AS-01-L-4505 TRUCK

Advocate for : MR. R GOSWAMI
Advocate for : appearing for SMTI. SUTOPA ROY KAR AND 4 ORS: Advocate ,

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, appearing for 2,

3,

4,

5, respectively.

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 19-11-2020

Heard Mr. A.K. Sharma, learned counsel for the petitioner and Mr. R. Goswami, learned counsel for the respondent.

By this interlocutory application, the respondent/claimant prays for leave to withdraw the 50% of the awarded amount deposited with the Registry by the appellant pursuant to the order dated 12.02.2020 passed in I.A. (Civil) 257/2020.

The learned Tribunal made an award of Rs. 29,37,200/- fixing responsibility in equal share on both the vehicle and the appellant herein being the insurer of one of the vehicle involved was directed to pay 50% of the awarded amount. While admitting the appeal and staying the operation of the impugned award, this court directed the appellant to deposit 50% of the awarded amount, which was saddled with the present appellant.



Learned counsel Mr. R. Goswami, submits that the liability of the vehicle insured with the appellant has not been established and as such, the amount may not be disbursed. However, learned counsel for the petitioner having taken through the judgment submits, that there were ample evidence to show involvement of the vehicle insured with the appellant.

Having considered the submissions made by the learned counsel for both sides and also having taken note of the miseries faced by the claimant who lost her husband, this court deems it fit to release the amount which was deposited by the appellant with the Registry in favour of the claimant.

The Registry shall release the amount deposited by the appellant pursuant to the order dated 12.02.2020 passed in I.A. (Civil) No. 257/2020 in favour of the claimants on proper identification.

I.A. stands disposed of.

JUDGE

Comparing Assistant