

GAHC010111512025



2026:GAU-AS:3103

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

**Case No. : I.A.(Civil)/1700/2025**

SUNITA DEVI  
W/O LATE NANDA LAL PASWAN

2: MISS PREETI KUMARI  
D/O LATE NANDA LAL PASWAN

3: MISS RUPAM KUMARI  
D/O LATE NANDA LAL PASWAN

4: MISS SHILFA KUMARI  
D/O LATE NANDA LAL PASWAN

ALL ARE PERMANENT RESIDENT OF VILLAGE MAHANTH MANIYARI  
TOLA GIGHIYA  
PS MANIYARI  
DIST MUZZAFFARPUR BIHAR  
PRESENTLY RESIDING AT C/O SRI DINESH SHAH  
S/O SRI RAJ KUMAR SHAH  
G.S COLONY  
FATASHIL  
PUKHURIPAR  
GUWAHATI 25  
DIST KAMRUP M ASSA

VERSUS

THE NEW INDIA ASSURANCE COMPANY LIMITED  
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING  
87 MAHATMA GANDHI ROAD, MUMBAI AND ONE OF THE REGIONAL  
OFFICE AT G.S. ROAD, ABC, GUWAHATI.

2:M/S QUALITY COKE INDUSTRIES (P) LTD.

309  
2ND FLOOR BAROOAH MARKET  
TRP ROAD  
FANCY BAZAR  
GUWAHATI 781001  
DIST KAMRUP (M) ASSAM

**Advocate for the Petitioner** : MR D K KALITA, MR. G C BORAH

**Advocate for the Respondent** : MR. K K BHATRA, MR. R K BHATRA

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

**ORDER**

**27.02.2026**

- 1.** Heard Mr. D.K. Kalita, learned counsel for the applicant. Also heard Mr. K.K. Bhatra, learned counsel for the Insurance Company.
- 2.** This I.A. has been preferred seeking to withdraw the awarded amount along with interest which has been deposited by the Insurance Company with the Registry of this Court pursuant to Order dated 05.06.2017 in I.A(Civil) No. 1754 of 2017. An objection has been filed on behalf of the Insurance Company stating that there are strong and cogent grounds in the appeal for its success and in the event of release of the amount, the Insurance Company will suffered irreparable harm.
- 3.** A perusal of the memo of appeal reveals that it has been state that the impugned Judgment & Award is bad in law and is liable to be modified giving liberty to the appellant/insurer to pay and then recover the awarded amount from the owner/insurer of the vehicle.

4. From the above, it is clear that there is no substance to the objection filed by the Insurance Company. Therefore, the prayer for withdrawal is allowed. The claimant/applicant/respondent in the appeal is permitted to withdraw the entire amount deposited by the Insurance Company from the Registry of the Court subject to execution of suitable bond.
5. I.A. stands disposed of accordingly.

**JUDGE**

**Comparing Assistant**