

GAHC010134742023



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

**Case No. : I.A.(Civil)/1749/2023**

SANJAY KUMAR SAH  
S/O LATE RAM PRASAD SAH,  
RESIDENT OF DOOM DOOMA CHOWDHURY, MARKET NO. 1, PO AND PS  
DOOM DOOMA, DIST TINSUKIA ASSAM 786151

VERSUS

NEW INDIA ASSURANCE CO. LTD. AND 2 ORS.  
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING, 87,  
MAHATMA GANDHI ROAD MUMBAI AND ONE OF THE REGIONAL  
OFFICES AT STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR,  
GUWAHATI 781005, NEAR HANUMAN MANDIR.

2:M/S NETWORK TRAVELS  
PALTAN BAZAR  
G.S. ROAD  
GUWAHATI  
KAMRUP (M) ASSAM.

3:MANIK CH. DAS  
S/O LATE K. DAS  
RESIDENT OF VILLAGE WEST CHOWKIDINGHEE  
PO AND PS DIBRUGARH  
ASSAM 78600

**Advocate for the Petitioner : MR. A K GUPTA**

**Advocate for the Respondent : MR. K K BHATTA**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 28-06-2023**

Heard Mr. A. K. Gupta, learned counsel for the applicant. Also heard Mrs. L. Sharma, learned counsel for the respondent.

This is an application for allowing the applicant to withdraw a sum of Rs.7,00,000/-(Rupees Seven lakhs) only deposited by the appellant/opposite party No.1 pursuant to the order dated 22.03.2023 passed in I.A.(Civil) No.765/2023 arising out of the MAC.Appeal No.98/2023.

It is submitted by the learned counsel for the applicant, Mr. A. K. Gupta, that as per impugned order dated 22.03.2023 while admitting the appeal also stayed the judgment dated 16.12.2022 subject to deposit of Rs.7,00,000/-(Rupees Seven lakhs). Thereafter, the respondent/Insurance Company had deposited the said amount, which is lying deposited in the account of the Registrar General of this Court and thus prayed for withdrawal of the same.

In this context, Mrs. L. Sharma, learned counsel for the respondent has submitted that she has no objection in allowing the prayer made by the applicant for withdrawal of the deposited amount.

Considering the submissions made by the learned Advocates of both sides, the present applicant is hereby allowed to withdraw the deposited amount of Rs.7,00,000/-(Rupees Seven lakhs) from the Registry. The Registry is directed to

release the said deposited amount after proper identification and verification of all relevant documents.

With the above observation and direction, this interlocutory application stands disposed of.

**JUDGE**

**Comparing Assistant**