

GAHC010056222020



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

Case No. : I.A.(Civil)/865/2020

SMT LUKU BARMAN @ LUKUMONI BARMAN
W/O JAGADISH BARMAN, HOUSE NO. 14, VINAYAK PATH, LAKHIMI
NAGAR, PS DISPUR, DIST KAMRUP M ASSAM 781005

VERSUS

ORIENTAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT ORIENTAL HOUSE, A-25/27, ASAF ALI
ROAD, NEW DELHI- 110002 AND REGIONAL OFFICE AT GUWAHATI- 7,
REPRESENTED BY THE ASSISTANT MANAGER, GAUHATI REGIONAL
OFFICE, ULUBARI, GHY-7

Advocate for the Petitioner : S AHMED

Advocate for the Respondent : MS. R D MOZUMDAR

Linked Case : MACApp./574/2018

ORIENTAL INSURANCE COMPANY LTD
A CENTRAL GOVERNMENT UNDERTAKING HAVING ITS REGIONAL OFFICE
AT GUWAHATI
ULUBARI
GUWAHATI-781007 REPRESENTED BY THE ASSISTANT MANAGER
GAUHATI REGIONAL OFFICE.

VERSUS

SMT LUKU BARMAN AND 3 ORS
W/O JAGADISH BARMAN

HOUSE NO 14
VINAYAK PATH
LAKHIMI NAGAR
PS DISPUR
DIST KAMRUP M ASSAM
781005

2:SRI JAGADISH BARMAN
S/O HARESWAR BARMAN
HOUSE NO 14
VINAYAK PATH
LAKHIMI NAGAR
PS DISPUR
DIST KAMRUP M ASSAM
781005

3:SRI KUMARIL BORA
S/O SATYA BORA
R/O FLAT NO 45
JEET APARTMENT
KAHILIPARA ROAD
JATIA
DIST KAMRUP M ASSAM
781019

4:SRI MOON KALITA
S/O LATE ASWINI KALITA
R/O H/NO 24
KALPATARU PATH
LAKHIMINAGAR PS HATIGAON

GUWAHATI
DIST KAMRUP M ASSAM
781038

Advocate for : MS. R D MOZUMDAR
Advocate for : MR. A K CHAUDHURY (R3) appearing for SMT LUKU BARMAN
AND 3 ORS

Linked Case : I.A.(Civil)/2318/2018

ORIENTAL INSURANCE COMPANY LTD
A CENTRAL GOVERNMENT UNDERTAKING HAVING ITS REGIONAL OFFICE
AT GUWAHATI

ULUBARI
GUWAHATI-781007 REPRESENTED BY THE ASSISTANT MANAGER
GAUHATI REGIONAL OFFICE.

VERSUS

SMT LUKU BARMAN AND 3 ORS
W/O JAGADISH BARMAN
HOUSE NO 14 VINAYAK PATH
LAKHIMI NAGAR PS DISPUR DIST KAMRUP M ASSAM 781005

2:SRI JAGADISH BARMAN
S/O HARESWAR BARMAN
HOUSE NO 14
VINAYAK PATH
LAKHIMI NAGAR
PS DISPUR
DIST KAMRUP M ASSAM
781005

3:SRI KUMARIL BORA
S/O SATYA BORA
R/O FLAT NO 45
JEET APARTMENT
KAHILIPARA ROAD
JATIA
DIST KAMRUP M ASSAM
781019

4:SRI MOON KALITA
S/O LATE ASWINI KALITA
R/O H/NO 24
KALPATARU PATH
LAKHIMINAGAR PS HATIGAON

GUWAHATI
DIST KAMRUP M ASSAM
781038

Advocate for : MS. R D MOZUMDAR
Advocate for : MR. S AHMED appearing for SMT LUKU BARMAN AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE PRASANTA KUMAR DEKA**

ORDER

Date : --21.12.2020

Heard Ms. R. D. Mazumdar, learned counsel for the appellant. Mr. S. Ahmed, learned counsel for the respondents No1 and 2 and Mr. A. K. Chaudhury, counsel for the respondent No.3 are present.

Learned counsel for the respondent nos. 1 and 2 pressed IA(C) 865/2020 seeking for an order releasing the 50% of the amount of the total awarded amount deposited in the Registry of this court. Ms. Mazumdar submitted that an objection was filed resisting the prayer of present applicant in IA(C) 865/2020. However the said objection is not tagged with the case record. As alternative it was suggested by Ms. Mazumdar that as the LCR has already been received, the ground of fraud played on the Tribunal is raised in the appeal and in view of the I.A(C) 865/2020, this appeal could be heard and disposed of finally.

Let this matter be listed on 8.2.2021 for hearing.

JUDGE

Comparing Assistant