

GAHC010015862019



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

Case No. : I.A.(Civil)/2887/2024

SMTI SUBHASI DAS AND ANR
W/O LT. SUDHIR CH. DAS
R/O VILL. SOUTH TOKRACHARA PART-IV
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM

2: ARCHANA DAS
W/O LATE SAMIR CH. DAS
R/O VILL. SOUTH TOKRACHARA PART-IV
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
VERSUS

NATIONAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI
REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI-5
ASSAM

Advocate for : MRS. K DEVI
Advocate for : MR. K K BHATRA appearing for NATIONAL INSURANCE CO. LTD

Linked Case : I.A.(Civil)/789/2020

NATIONAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI
REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI-5
ASSAM.

VERSUS

SMTI SUBHASI DAS AND 2 ORS
W/O LT. SUDHIR CH. DAS
M/O LATE SAMIR KR. DAS
R/O VILL. SOUTH TOKRACHARA PART-IV
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN

2:ARCHANA DAS
W/O LT. SAMIR CH. DAS
R/O VILL. SOUTH TOKRACHARA PART-IV
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN

3:ECHA HAQUE ALI AHMED
S/O LATE JANE ALI MUNSHI
VILL. DEBETTAR HASDAHA
P.O. GOLAKGANJ
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN 783334

Advocate for : MR. K K BHATRA
Advocate for : appearing for SMTI SUBHASI DAS AND 2 ORS

Linked Case : MACApp./131/2020

NATIONAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET,

KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN
AS GUWAHATI REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI-5, ASSAM.

VERSUS

SMTI SUBHASI DAS AND 2 ORS
W/O LT. SUDHIR CH. DAS, M/O LATE SAMIR KR. DAS, R/O
VILL. SOUTH TOKRACHARA PART-IV, P.O. AND P.S.
GOLAKGANJ, DIST. DHUBRI, ASSAM, PIN

2:ARCHANA DAS
W/O LT. SAMIR CH. DAS
R/O VILL. SOUTH TOKRACHARA PART-IV
P.O. AND P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN

3:ON THE DEATH OF ECHA HAQUE ALI AHMED HIS LEGAL
HEIRS
S/O LATE JANE ALI MUNSHI
VILL. DEBETAR HASDAHA
P.O. GOLAKGANJ
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN 783334

3.1:SMT. AJIJA KHATUN AHMED
W/O ECHA HAQUE ALI AHMED
VILL. DEBETAR HASDAHA
P.O. GOLAKGANJ
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM
PIN 783334

3.2:MR. ARIF AHMED
S/O ECHA HAQUE ALI AHMED
VILL. DEBETAR HASDAHA
P.O. GOLAKGANJ
P.S. GOLAKGANJ
DIST. DHUBRI
ASSAM

PIN 78333

Advocate for the Petitioner : MR. K K BHATRA, MR. D BHUYAN, MR. R K BHATRA, MS. R DUTTA

Advocate for the Respondent : MRS. K DEVI,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

05.01.2026

Heard Mrs. K. Devi, learned counsel for the applicant and Ms. Biyani, learned counsel appearing for the appellant/opposite party.

2. This interlocutory application is preferred by the applicant for releasing 50% of the awarded amount, which has been deposited by the appellant, pursuant to the order of this Court, dated 06.01.2021, passed in I.A.(Civil) No. 789/2020, in MAC Case No. 131/2020.

3. Mrs. Devi, learned counsel for the applicant submits that 50% of the awarded amount has already been deposited before the Registry of this Court, but the opposite party has raised objection in releasing the aforesaid amount, which, according to Mrs. Devi, is not at all sustainable and as such, she has contended to allow this application.

4. However, Ms. Biyani, learned counsel for the appellant/opposite party, submits that there is a violation of the policy condition and as such, the appellant has raised objection in releasing the 50% of the awarded amount.

5. However, taking note of the submissions of the learned counsel for both the parties and also considering the facts and circumstances on the record, and also the statements, objects and reasons in enacting the benevolent provision in the

Motor Vehicle Act, this Court is inclined to allow this application.

6. Subject to execution of a bond of equal amount, the 50% amount, deposited before the Registry of this Court, shall be released in favour of the applicant.

7. In terms of the above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant