

GAHC010275622025



2026:GAU-AS:734

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

Case No. : I.A.(Civil)/4120/2025

DIGANTA DAS
S/O. SRIJIVAN DAS, R/O. VILL. KADAMTALA, DIHING SATHRA, P/O.
MAZGAON, P/S. NORT GUWAHATI, DIST. KAMRUP, ASSAM, PIN-781030

VERSUS

NATIONAL INSURANCE COMPANY LTD AND 2 ORS
REGIONAL OFFICE- NATIONAL INSURANCE COMPANY LIMITED, SECOND
AND THIRD FLOOR, LOHIA MANSION, G.S. ROAD, BHANGAGARH,
GUWAHATI-05, ASSAM. HEAD OFFICE- NATIONAL INSURANCE COMPANY
LTD., 3, MIDDLETON STREET, PRAFULLA CHANDRA SEN SARANI,
KOLKATA, WEST BENGAL-700071

2:MR. RADHEY SHYAM GUPTA
S/O. SHITALA PRASAD GUPTA
C/O. SRI. MANOJ SHARMA R/O. TOWN ROAD
BHARALUMUKH
UNDER BHARALUMUKH POLICE STATION
DIST. KAMRUP(M)
ASSAM
PIN-781001

3:SRI SAMBHU RAY
S/O. LATE TULSI RAY
AND R/O. VILL. BALISARIA
P/S. SARAIYA
DIST. MUZAFFARPUR
BIHAR
PIN-84311

Advocate for the Petitioner : MR. A LAL, M K DEB,MR A BRAHMA

Advocate for the Respondent : MR. T KALITA, MR. A KAKATI(R-1)

In

Case : MACApp./505/2024

DIGANTA DAS
S/O. SRIJIVAN DAS
R/O. VILL. KADAMTALA
DIHING SATHRA
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P/S. SARAIYA
DIST. MUZAFFARPUR
BIHAR
PIN-843119

Advocate for : MR. A LAL
Advocate for : MR T KALITA (R-1) appearing for NATIONAL INSURANCE
COMPANY LTD AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

08.01.2026

- 1.** Heard Mr. A Lal, the learned counsel for the applicant. Also heard Mr. T Kalita, learned counsel for the respondent/ Insurance Company.
- 2.** This Interlocutory Application has been filed by the applicant/claimant praying for withdrawal of Rs. 6,00,000/- (Rupees Six Lakhs only) maintained as fixed deposit in the State Bank of India, Silpukhuri branch out of the awarded amount to him in MAC Case No. 869/ 2019 as per the judgment dated 13.06.2024.
- 3.** The learned counsel for the applicant has submitted that in MAC Case Nos. 869/2019 the Motor Accident Claims Tribunal No. 2, Kamrup (Metro) by judgment dated 13.06.2024 had awarded a compensation amount of Rs. 25,41,303.56/-

(Rupees Twenty Five Lakhs Forty-Five only) with an interest at the rate of 9% per annum from the date of filing of the claim petition till realization. Out of the aforesaid amount, the Motor Accident Claims Tribunal No. 2 Kamrup (Metro) had directed to keep Rs. 6,00,000/- (Rupees Six Lakhs only) as fixed deposit in the name of the claimant in any nationalized bank for a period of three years.

4. In the meanwhile the applicant has filed the connected MAC Appeal No. 505/2024 praying for enhancement of the compensation awarded to him by the aforesaid judgment and award.

5. The counsel for the applicant has submitted that the applicant has to incur considerable amount of expenditure for repayment of loan taken by him for the treatment of his ailment as well as his maintenance expenses and maintenance of his father. As such, he is in dire need of money.

6. The learned counsel for the applicant has further submitted that the petitioner intends to start a small business for his livelihood and as such he requires money to invest in the said business and therefore, for the aforesaid reasons he has prayed that he may be allowed to withdraw the money deposited as fixed deposit in State Bank of India in connection with MAC Case No. 869 / 2019.

7. The learned counsel for the Insurance Company, Mr. T.

Kalita has no objection to the prayer of the claim.

8. After considering the grounds stated by the learned counsel for the applicant for which he is praying for withdrawal of the money, this court is of the opinion that since the money has been awarded to claimant and since he has to help him in distress and the condition under which he is going through he is in urgent need of money. Hence, his prayer for withdrawal of Rs. 6,00,000/- (Rupees Six Lakhs only) maintained as FDR in State Bank of India, in said Silpukhuri Evening Branch in connection with MAC Case No. 869/2019 by judgment and order date 13.06.2024 is allowed to be withdrawn by him and this interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant