

GAHC010224952024



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

Case No. : I.A.(Civil)/3428/2024

RATI SARKAR AND ORS.
W/O LATE SUSHIL SARKAR,
VILL.- KHEERERKUT, JATESWAR, P.S.- FALAKATA, DIST.- ALIPURDUWAR,
WEST BENGAL, PIN- 735211.

2: RATNA SARKAR
D/O LATE SUSHIL SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.

3: SANKHADEEP SARKAR
S/O LATE SUSHIL SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.
(BEING MINOR
REP. BY HIS LEGAL GUARDIAN MOTHER
THAT IS
APPLICANT NO. 1)

VERSUS

UNITED INDIA INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD AT 24, WHITES ROAD,
CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD, DISPUR, GUWAHATI,

AND REP. BY THE CHIEF REGIONAL MANAGER, REGIONAL OFFICE, G.S
ROAD, DISPUR, GUWAHATI- 781005.

Advocate for the Petitioner : MR. A R AGARWALA,

Advocate for the Respondent : MR. R GOSWAMI, MR ADITYA AGARWALA

Linked Case : MACApp./136/2024

UNITED INDIA INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD AT 24
WHITES ROAD
CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD
DISPUR
GUWAHATI
AND REP. BY THE CHIEF REGIONAL MANAGER
REGIONAL OFFICE
G.S ROAD
DISPUR
GUWAHATI- 781005.

VERSUS

RATI SARKAR AND 3 ORS.
W/O LATE SUSHIL SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.

2:RATNA SARKAR
W/O LATE RAMESWAR SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR

WEST BENGAL
PIN- 735211.

3:SANKHADEEP SARKAR
S/O LATE SUSHIL SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.
(BEING MINOR
REP. BY HIS LEGAL GUARDIAN MOTHER
THAT IS
RESPONDENT NO. 1).

4:MONOJIT SAHA
S/O SRI HARI PRASAD SAHA

R/O WARD NO. 12
DHUBRI TOWN
P.O. AND P.S.- DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301.

Advocate for : MR. R GOSWAMI
Advocate for : MR. A R AGARWALA appearing for RATI SARKAR AND 3 ORS.

Linked Case : I.A.(Civil)/978/2024

UNITED INDIA INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AND HEAD AT 24
WHITES ROAD
CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD
DISPUR
GUWAHATI
AND REP. BY THE CHIEF REGIONAL MANAGER
REGIONAL OFFICE
G.S ROAD
DISPUR
GUWAHATI- 781005.

VERSUS

RATI SARKAR AND 3 ORS.
W/O LATE SUSHIL SARKAR
VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.

2:RATNA SARKAR
W/O LATE RAMESWAR SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.

3:SANKHADEEP SARKAR
S/O LATE SUSHIL SARKAR

VILL.- KHEERERKUT
JATESWAR
P.S.- FALAKATA
DIST.- ALIPURDUWAR
WEST BENGAL
PIN- 735211.
(BEING MINOR
REP. BY HIS LEGAL GUARDIAN MOTHER
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4:MONOJIT SAHA
S/O SRI HARI PRASAD SAHA

R/O WARD NO. 12
DHUBRI TOWN
P.O. AND P.S.- DHUBRI
DIST.- DHUBRI
ASSAM
PIN- 783301.

Advocate for : MR. R GOSWAMI
Advocate for : appearing for RATI SARKAR AND 3 ORS.

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

14.05.2025

Heard Mr. A.R. Agarwala, learned counsel for the applicant/appellant. Also heard Ms. P. Borthakur appearing on behalf of her senior Mr. R. Goswami.

This is an application filed for the modification of this Court's Order dated 03.04.2024 passed in I.A.(Civil) No. 978 of 2024 (corresponding MACApp. No. 136 of 2024, wherein this Court had stated the Judgment & Order dated 21.12.2023 of MAC Case No. 343 of 2015 till the disposal of the connected MACApp. No. 136 of 2024.

The learned counsel submits that while admitting the appeal in this Court's Order dated 03.04.2024, the Court had not passed any order for deposit of any amount of the awarded amount into this Court. The learned counsel submits that the stay of the execution of the award in the Judgment & Order dated 21.12.2023 may be subject to a condition that the Insurance Company deposit 50% of the awarded amount, which is the usual procedure in most of the cases where the execution of the judgment & award is made.

Ms. P. Borthakur, learned counsel submits that they have no objection to the deposit of 50% of the awarded amount of Rs. 10,56,000/- passed by the learned Tribunal dated 21.12.2023 in MAC Case No. 343 of 2015.

The learned counsel further prayed that the applicant/claimant No. 1 may

be allowed to withdraw the said deposited amount, which is not objected by the learned counsel for the respondent/Insurance Company.

Having considered the submissions made by the learned counsels for both the parties, this Court find it fit to pass and order modifying this Court's Order dated 03.04.02024, passed in I.A.(Civil) No. 978 of 2024 (corresponding MACApp. No. 136 of 2024) that the Judgment and Award dated 21.12.2023 passed by the learned MACT, Dhubri, in MAC Case No. 343 of 2015 shall be stayed subject to the deposit of 50% of the awarded amount into the Registry of this Court within 30 days from the date of this Order.

On the deposit of 50% of the awarded amount of Rs. 10,56,000/-, the Registry is to disburse the deposited amount to the claimant No. 1 after due verification and on the execution of an indemnity bond.

Accordingly, I.A.(Civil) No. 3428 of 2024 stands allowed and disposed of.

JUDGE

Comparing Assistant