

GAHC010128312022



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

Case No. : I.A.(Civil)/2011/2022

NIBEDITA BHATTACHARYYA AND 2 ORS.
W/O ARUP SARMA, RESIDENT OF DAKHIN AGDOLA, PS BAIHATA
CHARIALI, DIST KAMRUP, ASSAM, 781381

2: SMTI RENU DEVI
W/O SRI HITESWAR SHARMA.
RESIDENT OF DAKHIN AGDOLA
PS BAIHATA CHARIALI
DIST KAMRUP
ASSAM
781381

3: SRI HITESWAR SARMA

S/O KALI KANTA SARMA
RESIDENT OF DAKHIN AGDOLA
PS BAIHATA CHARIALI
DIST KAMRUP
ASSAM
78138

VERSUS

THE ORIENTAL INSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956.
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI 07

Advocate for the Petitioner : MR D MONDAL

Advocate for the Respondent : MR. S K GOSWAMI

Linked Case : MACApp./106/2022

THE ORIENTAL INSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956. REPRESENTED BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI 07

VERSUS

NIBEDITA BHATTACHARYYA AND 4 ORS.
W/O ARUP SARMA

RESIDENT OF DAKHIN AGDOLA
PS BAIHATI CHARIALI
DIST KAMRUP
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781381
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S/O KALI KANTA SARMA
RESIDENT OF DAKHIN AGDOLA
PS BAIHATI CHARIALI
DIST KAMRUP
ASSAM
781381
4:SRI PAWAN JAIN

S/O LATE MALCHAND JAIN

C/O M/S PAWAN AUTOMOBILES BELTOLA
WARD NO. 56
NEAR GURUDWARA
BASISTHA
BELTOLA NH 37
PS BASISTHA

GUWAHATI
DIST KAMRUP M ASSAM
781029
(OWNER OF VEHICLE NO. AS-01/DD-7954)
5:RAMJASH YADAV
S/O JAGDEV YADAV
RESIDENT OF VILLAGE STATION ROAD
GOLAGHAT
ASSAM
785621
(DRIVER OF VEHICLE NO. AS-01/DD-7954)

Advocate for : MR. S K GOSWAMI
Advocate for : DR. UTPALJEET BARUAH (R-1 TO 3) appearing for NIBEDITA
BHATTACHARYYA AND 4 ORS.

Linked Case : MACApp./173/2022

NEBEDITA BHATTACHARYYA AND 2 ORS.
W/O LATE ARUP SARMA
RESIDENT OF VILLAGE DAKHIN AGDOLA
PS BAIHATA CHARIALI
DIST KAMRUP ASSAM

2: SMTI RENU DEVI
W/O SRI HITESWAR SARMA
RESIDENT OF VILLAGE DAKHIN AGDOLA
PS BAIHATA CHARIALI
DIST KAMRUP ASSAM

3: SRI HITESWAR SARMA
S/O LATE KALIKANTA SARMA
RESIDENT OF VILLAGE DAKHIN AGDOLA
PS BAIHATA CHARIALI
DIST KAMRUP ASSAM
VERSUS

PAWAN JAIN AND 2 ORS.
C/O M/S PAWAN AUTOMOBILES
BELTOLA
WARD NO. 56
NEAR GURUDWARA
PS BASISTHA
DIST KAMRUP
ASSAM 781028

2:SRI RAMJASH YADAV
S/O JAGDEV YADAV

RESIDENT OF STATION ROAD
GOLAGHAT
ASSAM
785621
3:ORIENTAL INSURANCE CO. LTD

HAVING ITS REGIONAL OFFICE AT ULUBARI
GUWAHATI 781007
DIST KAMRUP M ASSAM
REPRESENTED BY ITS REGIONAL MANAGER

Advocate for : MR D MONDAL
Advocate for : appearing for PAWAN JAIN AND 2 ORS.

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 28.04.2023

Heard Mr. D Mondal, learned counsel for the applicant and Mr. SK Goswami, learned counsel for the insurance company.

The present application has been filed for seeking a direction for recalling/ reviewing the order, dated 04.03.2022 passed by this court in I.A (C) 524/2022 arising out of MAC Appeal 106/2022.

I have heard the learned counsel of both sides.

After hearing both sides, the insurance company is directed to deposit 50% of the total amount of Rs. 26,35,766/- in the Registry of this Court and Registry shall disburse the amount in favour of the applicant on execution of a bond.

It is also directed that the deposit amount shall be kept in fixed deposit in the names of three claimant for a period of 2 years. The remaining amount shall be disbursed in favour of the claimant in equal share.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant