GAHC010122602026

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

Case No. : I.A.(Civil)/2847/2026

SMT KAMINI KAKATI SAIKIA
W/O LATE DHRUBA PRASAD SAIKIAR/O VILLAGE BECHIMARIP.O. OUTALAP.S. MANGALDOIDISTRICT DARRANGASSAMPIN 784525

VERSUS

CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED HAVING ITS BRANCH OFFICE AT AASTHA PLAZA OPPOSITE OF S.B. DEORAH COLLEGE 4TH FLOOR BORA SERVICE GUWAHATI DISTRICT KAMRUP METRO ASSAM

2:GAJEN DAIMARY
SON OF LATE SAMBAR DAIMARYR/O VILLAGE NO. 5 DHANSIRIP.O. AND P.S. ROWTADISTRICT UDALGURIASSAMPIN 784508

Advocate for : MR. R DEKA
Advocate for : MR. A BHATTACHARYYA appearing for CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LIMITED

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

23.09.2026

Heard Mr. S.I. Akand, learned counsel appearing for the applicant. Also heard Mr. A. Bhattacharyya, learned counsel for the appellant insurance company.

2. The instant application has been preferred by the applicant/claimant praying for release of the deposited amount of Rs. 19, 71,000/- (rupees nineteen lakh seventy one thousand) which was deposited by the respondent appellant company before the Registry of this Court on 07.08.2026.

3. The applicant herein states that the respondent insurance company has filed an appeal against the judgment and order dated 13.03.2026 passed in MACT (Death) Case No. 9/2022 by the learned Additional District, Judge, FTC, Darrang, Mongaldoi. The said appeal has been registered as MAC appeal 329/2026, the appellant had also registered as I.A.(Civil) No. 2146/2026 and by order dated 16.07.2026 this Court had stayed the operation of the execution of said judgment and award dated 13.03.2026 subject to the condition the appellant shall deposit 50% of the awarded amount before the Registry of this Court. It is stated that the said amount has been deposited on 07.08.2026.

4. It is also submitted that the deceased was the sole breadwinner of the family and, since the date of the accident, the applicant and the other family members have been suffering from severe financial hardship. Therefore, learned counsel prayed that the amount deposited may be allowed to be withdrawn by

the applicant/claimant.

5. After hearing the parties, this Court is inclined to allow the petition and, therefore, directs the Registry to release the deposited amount to Rs. 19, 71,000/- in favour of the claimant/applicant subject to proper identification and verification and upon execution of indemnity bond of like amount.

6. The application stands disposed of.

JUDGE

Comparing Assistant