GAHC010173302026

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

Case No. : I.A.(Civil)/2837/2026

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT 87, M. G. ROAD, FORT, MUMBAI-400001 AND NORTH EASTERN REGIONAL OFFICE AT LACHIT NAGAR, G.S. ROAD, GUWAHATI, ASSAM-781007.

2: NEW INDIA ASSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT 87
M. G. ROAD
FORT
MUMBAI-400001 AND NORTH EASTERN REGIONAL OFFICE AT LACHIT NAGAR
G. S. ROAD
GUWAHATI
ASSAM-78100

VERSUS

SMTI I ROBITA SINGHA AND 3 ORS.
W/O LATE I. DINENDRA SINGHA

2:SRI I. DEVROCK SINGHA
S/O LATE I. DINENDRA SINGHA
BOTH ARE R/O VILL-BANSKANDI PART-3
P.O. BANSKANDI
P.S. LAKHIPUR
DISTRICT CACHAR
ASSAM
PIN-788101

PRESENTLY RESIDING AT C/O. SMTI. RASHMI SHARMA
MILANPUR
P.S. CHANDMARI
GUWAHATI
DISTRICT KAMRUPM

ASSAM-781021
(CLAIMANT NO. 1 BEING THE MOTHER AND NATURAL GUARDIAN SHALL REP. CLAIMANT NO. 2)

3:SMTI BIDYAMONI DEVI
W/O LATE I. DEBENDRA SINGHA
(MOTHER OF THE DECEASED)
R/O VILL-LAIKOL
SINGERBOND PART-V
CACHAR
P.S. LAKHIPUR
DISTRICT CACHAR
ASSAM-788126.

4:DR. NABAJYOTI GOGOI
S/O LATE SURENDRA NATH GOGOI
R/O VILL-EAST MILAN NAGAR
LILA GOGOI NAMGHAR PATH
P.O. C.R. BUILDING
P.S. DIBRUGARH
DISTRICT DIBRUGARH
ASSAM-78600

Advocate for the Petitioner : A BIYANI, MR. R K BHATRA,MS P HUJURI

Advocate for the Respondent : ,

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

14.10.2026

1. Heard Mr. R K Bhatra, the learned counsel for the applicant. Also heard Mr. M Talukdar, the learned counsel for the OP No. 3.

2. As regards OP Nos. 1 and 2, the notices were served, which has been indicated in office note dated 28.09.2026. Whereas the office note dated

09/10/2026 shows that the notice to OP NO. 4 has been duly served.

3. It also appears that by order dated 21/08/2026 passed in this interlocutory application, this court stayed the execution of the impugned judgment and award till further orders, subject to deposit of 50% of the awarded amount by the applicant / insurance company.

4. On that date, the learned counsel for the OP No. 3 had made a oral prayer to disburse 1/3 of the awarded amount which roughly comes to Rs. 24,68,382/- to the OP No. 3 on the ground that the amount to which the OP No. 3 is entitled has not been questioned by the insurance company.

5. It also appears that by the said order, this court observed that the question as to whether 1/3 of the total awarded amount may be disbursed to the OP No. 3 or not shall be decided only after hearing appearance of the OP Nos. 1 and 2.

6. Though the OP Nos. 1 and 2 have not yet appeared in this interlocutory application, however, as held herein before, the notices are duly served on them. As such, the said question may be decided today.

7. The main plea of the insurance company in the connected appeal is basically that as the wife of the deceased has received an ex-gratia payment of Rs. 25,00,000/-, the same amount has to be deducted from the amount calculated against loss of dependency by the tribunal.

8. The said plea has to be considered and determined by this court in the connected appeal.

9. However, during the pendency of the connected appeal, as 50% of

the awarded amount has already been deposited, all the claimants, namely, Claimant Nos. 1, 2, and 3 are entitled to get an equal proportion out of the deposited amount, which in the considered opinion of this court would meet the ends of justice.

10. Hence, the Registry is directed to disburse 1/3 of the 50% of the awarded amount deposited by insurance company before it to the Claimant Nos. 3, being the mother of the deceased, after proper verification.

11. The stay granted on the execution of the impugned judgment and award by order dated 21/08/2026 shall continue till the pendency of MAC Appeal No. 450/2026.

12. With above observation, this interlocutory application stands disposed of.

13. It is hereby made clear that out of 1/3 amount to be disbursed to the OP No. 3 in pursuant to the aforesaid order, no amount is required to be deposited in any fixed deposit account.

JUDGE

Comparing Assistant