GAHC010202062026

undefined

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

Case No. : I.A.(Civil)/3315/2026

SMT KANIKA ROY
WO SRI SUSHANTA ROY, RO AASHRAYA, S DOHATIA ROAD, NEAR DEYS NURSHING CLINIC, PO AND PS TINSUKIA, DIST TINSUKIA, ASSAM

VERSUS

NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET, KOLKATA 700071, REPRESENTED BY THE MANAGER, GUWAHATI REGIONAL OFFICE, BHANGAGARH, GHY 781005

Advocate for the Petitioner : MR S CHAKRABORTY,

Advocate for the Respondent : MS. R D MOZUMDAR,

Linked Case : I.A.(Civil)/3718/2019

THE NATIONAL INSURANCE COMPANY LIMITED
REPRESENTED BY THE MANAGER
THE NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3
MIDDLETON STREET
CALCUTTA-700071
GAUHATI REGIONAL OFFICE
BHANGAGARH
GUWAHATI-781005

VERSUS

SMTI. KANIKA ROY AND 4 ORS

W/O SHRI SUSHANTA ROY
R/O AASHRAYA
S DOHATIA ROAD
NEAR DEY'S NURSING CLINIC
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN 786125.

2:MADAN YADAV
S/O LATE BHOLA YADAV
R/O KAKARGHATI
P.S. SADAR
P.O. LALBAGH
DISTRICT DARBHANGA
BIHAR
PIN 846004.

3:SRI SUMIT KUMAR CHOUDHURY
S/O LATE UGENDRA CHAUDHURY
R/O OPPOSITE MRM COLLEGE
PROF. COLONY
P.O. LALBAGH
DISTRICT- DARBHANGA
BIHAR
PIN 846004.

4:MRS. PRATIMA SINGH
W/O LATE DHARMENDRA KR. SINGH
R/O BIMLA BHAWAN
OPPOSITE RUPAK CINEMA
BAKERGANJ
PATNA
P.O. BANKIPORE
DISTRICT PATNA
BIHAR
PIN 800004

5:ORIENTAL INSURANCE CO. LTD
CITY BRANCH OFFICE NO. VI
M.G. ARCADE
IIIRD FLOOR
OPP. KULHARIA COMPLEX
P.O. BANKIPORE
PATNA
BIHAR. PIN 800001.

Advocate for : MS. R D MOZUMDAR
Advocate for : MS. R D MOZUMDAR appearing for SMTI. KANIKA ROY AND 4

ORS

Linked Case : CO/18/2023

KANIKA ROY
W/O SHRI SUSHANTA ROY
R/O AASHRAYA
S DOHATIA ROAD
NEAR DEYS NURSING CLINIC
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN 786125.

VERSUS

NATIONAL INSURANCE COMPANY LIMITED AND 2 ORS.
REGISTERED HEAD OFFICE AT 3
MIDDLETON STREET
CALCUTTA-700071
REP. BY THE MANAGER
GUWAHATI REGIONAL MANAGER
BHANGAGARH
GUWAHATI- 781005.

2:MADAN YADAV
S/O LATE BHOLA YADAV
R/O KAKARGHATI
P.S.- SADAR
P.O.- LALBAGH
DISTRICT- DARBHANGA
BIHAR
PIN- 846004.

3:SUMIT KUMAR CHOUDHURY
S/O LATE UGENDRA CHAUDHURY
R/O OPPOSITE MRM COLLEGE
PROF. COLONY
P.O.- LALBAGH
DISTRICT- DARBHANGA
BIHAR
PIN- 846004.

Advocate for : MR U DAS
Advocate for : MS R D MAZUMDAR (r-1) appearing for NATIONAL INSURANCE COMPANY LIMITED AND 2 ORS.

Linked Case : MACApp./468/2022

THE NATIONAL INSURANCE COMPANY LIMITED
REPRESENTED BY THE MANAGER
THE NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3
MIDDLETON STREET
CALCUTTA-700071
GAUHATI REGIONAL OFFICE
BHANGAGARH
GUWAHATI-781005

VERSUS

SMTI. KANIKA ROY AND 4 ORS
W/O SHRI SUSHANTA ROY
R/O AASHRAYA
S DOHATIA ROAD
NEAR DEY'S NURSING CLINIC
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN 786125.

2:MADAN YADAV
S/O LATE BHOLA YADAV
R/O KAKARGHATI
P.S. SADAR
P.O. LALBAGH
DISTRICT DARBHANGA
BIHAR
PIN 846004.

3:SRI SUMIT KUMAR CHOUDHURY
S/O LATE UGENDRA CHAUDHURY
R/O OPPOSITE MRM COLLEGE
PROF. COLONY
P.O. LALBAGH
DISTRICT- DARBHANGA
BIHAR
PIN 846004.

4:MRS. PRATIMA SINGH
W/O LATE DHARMENDRA KR. SINGH
R/O BIMLA BHAWAN

OPPOSITE RUPAK CINEMA
BAKERGANJ
PATNA
P.O. BANKIPORE
DISTRICT PATNA
BIHAR
PIN 800004

5:ORIENTAL INSURANCE CO. LTD
CITY BRANCH OFFICE NO. VI
M.G. ARCADE
IIIRD FLOOR
OPP. KULHARIA COMPLEX
P.O. BANKIPORE
PATNA
BIHAR. PIN 800001.

Advocate for : MS. R D MOZUMDAR
Advocate for : MR S CHAKRABORTY (R1) appearing for SMTI. KANIKA ROY AND 4 ORS

Linked Case : I.A.(Civil)/2323/2022

THE NATIONAL INSURANCE COMPANY LIMITED
REPRESENTED BY THE MANAGER
THE NATIONAL INSURANCE COMPANY LIMITED
REGISTERED HEAD OFFICE AT 3
MIDDLETON STREET
CALCUTTA-700071
GAUHATI REGIONAL OFFICE
BHANGAGARH
GUWAHATI-781005

VERSUS

SMTI. KANIKA ROY AND 4 ORS
W/O SHRI SUSHANTA ROY
R/O AASHRAYA
S DOHATIA ROAD
NEAR DEY'S NURSING CLINIC
P.O.
P.S. AND DISTRICT- TINSUKIA
ASSAM
PIN 786125.

2:MADAN YADAV

S/O LATE BHOLA YADAV
R/O KAKARGHATI
P.S. SADAR
P.O. LALBAGH
DISTRICT DARBHANGA
BIHAR
PIN 846004.

3:SRI SUMIT KUMAR CHOUDHURY
S/O LATE UGENDRA CHAUDHURY
R/O OPPOSITE MRM COLLEGE
PROF. COLONY
P.O. LALBAGH
DISTRICT- DARBHANGA
BIHAR
PIN 846004.

4:MRS. PRATIMA SINGH
W/O LATE DHARMENDRA KR. SINGH
R/O BIMLA BHAWAN
OPPOSITE RUPAK CINEMA
BAKERGANJ
PATNA
P.O. BANKIPORE
DISTRICT PATNA
BIHAR
PIN 800004

5:ORIENTAL INSURANCE CO. LTD
CITY BRANCH OFFICE NO. VI
M.G. ARCADE
IIIRD FLOOR
OPP. KULHARIA COMPLEX
P.O. BANKIPORE
PATNA
BIHAR. PIN 800001.

Advocate for : MS. R D MOZUMDAR
Advocate for : appearing for SMTI. KANIKA ROY AND 4 ORS

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

23.09.2026

1. This application has been filed by the applicant praying for withdrawal of the amount of Rs.11,42,500/- deposited by the appellant insurance company in pursuance of the order dated 01.08.2023 passed in I.A. Civil No. 2323/2022 by this Court.

2. Mr. S. Chakraborty, the learned counsel appears for the applicant. Ms. R. D. Mozumder, the learned counsel appears for the appellant insurance company.

3. The Learned counsel for the applicant submits that an appeal has been preferred by the respondent Insurance Company, which is registered as MAC Appeal No.468/2022.

4. The appellant Insurance Company has also preferred an I.A. Civil No. 2323/2022 praying for stay of the impugned judgment and award dated 20.08.2018 passed by the learned MACT, Tinsukia in MAC Case No. 16/2016.

5. The said I.A. was disposed of by an order dated 01.08.2023 by this Court wherein the impugned judgment and award was stayed on the condition that the appellant insurance company shall deposit 50% of the awarded amount before the Registry of this Court within a period of two months.

6. Thereafter, the appellant insurance company in terms of the said direction has deposited the amount of Rs.11,42,500/- on 19.09.2023

by cheque No. 615590 dated 18.08.2023 and since then the amount is lying with the Registry of this Court.

7. It is further stated by the applicant that the applicant was never informed about the deposit by the insurance company earlier, and it was only in the month of July 2026 that the present engaged counsel had come to know about the said deposit.

8. It is therefore, prayed that the deposited amount may be allowed to be withdrawn by the applicant/claimant.

9. The Court has considered the submissions of the learned counsel for the parties and the instant application stands allowed.

10. The Registry shall allow the applicant/claimants to withdraw the deposited amount upon proper verification and identification, upon execution of an indemnity bond of the like amount.

11. This Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant