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

Case No. : I.A.(Civil)/1799/2026

SRI ASHOK KUMAR SHARMA
S/O- LATE ADYA NATH SHARMA, R/O- AJANTA PATH, BYE LANE NO. 1,
HOUSE NO. 37, SURVEY, BELTOLA, GUWAHATI, DIST.- KAMRUP(M),
ASSAM, PIN- 781028.

VERSUS

ORIENTAL INSURANCE CO LTD
HAVING ITS REGISTERED AND HEAD OFFICE AT ORIENTAL HOUSE, P.B.
NO. 7037, A-25/27, ASAF ALI ROAD, NEW DELHI- 110002 AND ONE OF THE
REGIONAL OFFICE AT M.S.S. PATH, ULUBARI, GUWAHATI- 781007.

2:MRS INDIRA PATHAK KALITA
W/O- SRI BIREN KALITA
R/O- JATIYA SHWAHID PATH
H/NO. 1
BELTOLA TINIALI
GUWAHATI
DIST.- KAMRUP(M)
ASSAM
PIN- 781028.

3:SRI RANJAN DAS
S/O- LATE GHURAN DAS
R/O- PANIGAON
P.O. AND P.S. NAGAON
DIST.- NAGAON
ASSAM
PIN- 782001

Advocate for the Petitioner : MR. H BURAGOHAIN, H. BORUAH

Advocate for the Respondent : MR. A J SAIKIA, MR B KAKATI,MR G S BORO

Linked Case : I.A.(Civil)/1886/2020

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ASHOK KUMAR SHARMA AND 2 ORS.
S/O- LATE ADYA NATH SHARMA
R/O- AJANTA PATH
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2:MRS. INDIRA PATHAK KALITA
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S/O- LATE GHURAN DAS
R/O- PANIGAON
P.O. AND P.S. NAGAON
DIST.- NAGAON
ASSAM
PIN- 782001.

Advocate for : MR. A J SAIKIA
Advocate for : appearing for ASHOK KUMAR SHARMA AND 2 ORS.

Linked Case : MACApp./264/2020

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Advocate for : MR. A J SAIKIA
Advocate for : MR R BAISHYA appearing for ASHOK KUMAR SHARMA AND 2
ORS.

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

13.10.2026

- 1.** Heard Mr. B. J. Mukherjee, the learned counsel for the applicant. Also heard Mr. A. J. Saikia, the learned counsel for the Insurance Company-opposite party.
- 2.** This Interlocutory Application has been filed by the applicant/claimant praying for allowing the applicant/claimant to withdraw the 50% of the awarded amount out of what has been deposited by the Insurance Company before the Registry of this Court in pursuant to the directions passed by this Court.
- 3.** The learned counsel for the applicant submits in pursuant to the directions given by this Court by its order dated 17.11.2020 passed in I.A. (Civil) No. 1886/2020, the Insurance Company has deposited the entire amount of the compensation before the Registry of this Court.
- 4.** He submits that out of the said amount, the 50% of the awarded amount may be disbursed to the applicant/claimant during the pendency of the connected appeal as the claimant is suffering from financial hardship.
- 5.** The learned counsel for the Insurance Company has opposed the prayer on the ground that out of the awarded amount of Rs.15,01,000/-, the Tribunal has awarded Rs.12,15,000/- against medical expenses and there are materials to indicate that the claimant was suffering from cancer and the vouchers submitted by him was mainly in respect of expenditure incurred for taking the treatment of cancer at Chennai.

- 6.** The claimant had incurred expenses of about Rs.8,00,000/- for taking treatment in Apollo Speciality Hospital, Chennai.
- 7.** It appears on perusal of the impugned judgment that the claimant had incurred expenses of about Rs.8,00,000/- for taking treatment in Apollo Specialty Hospital, Chennai.
- 8.** Even if we assume that the said amount is somehow connected with the treatment of cancer as submitted by the learned counsel for the Insurance Company, still this Court is of considered opinion that some of the remaining undisputed amount say Rs.4,00,000/- may be released to the applicant/claimant on furnishing of an indemnity bond for the ends of justice.
- 9.** As such, this Interlocutory Application is partly allowed with a direction to the Registry to disburse Rs.4,00,000/- out of the total amount deposited by the Insurance Company to the claimant/applicant after proper verification on furnishing of an indemnity bond of the amount equivalent to the amount which is disbursed to him.
- 10.** This Interlocutory Application is, accordingly, disposed of.

JUDGE

Comparing Assistant