

GAHC010049522023



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

Case No. : I.A.(Civil)/664/2023

SMTI. LALTHUANMAWII AND 4 ORS.
W/O- LATE THNGRIKHUMA HMAR, R/O- VILL.- SHAI PUNG, P.O.
SHAI PUNG, P.S. VAIRENGTE, DIST.- KOLASIB, MIZORAM, PIN- 796081.

2: ROSANGLIANA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

3: LALREMRUATA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

4: LALHLINPUIA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

5: SMTI. LALREMSANGI
D/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG

P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081

VERSUS

NATIONAL INSURANCE CO. LTD. AND 2 ORS.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3, MIDDLETON
STREET KOLKATA AND ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI.

2:C. RUALHMINGLIANA
S/O- LATE SANGZUALA
R/O- SAIPHAI
P.O. BILKHEWTHIR
DIST.- KOLASIB
MIZORAM
PIN- 796091.

3:LALBIAKMIA PACHUA
S/O- V. L. ROUTE PACHUA
R/O- BILKHEWTHIR
P.S. VARIGENGTHE
DIST.- KOLASIB
MIZORAM
PIN- 796101

Advocate for the Petitioner : MR. M TALUKDAR

Advocate for the Respondent : MR. R GOSWAMI

Linked Case : MACApp./184/2021

NATIONAL INSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 3
MIDDLETON STREET KOLKATA AND ITS REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI.

VERSUS

SMTI. LALTHUANMAWII AND 6 ORS.
W/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

2:ROSANGLIANA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

3:LALREMRUATA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

4:LALHLINPUIA
S/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

5:SMTI. LALREMSANGI
D/O- LATE THNGRIKHUMA HMAR
R/O- VILL.- SHAI PUNG
P.O. SHAI PUNG
P.S. VAIRENGTE
DIST.- KOLASIB
MIZORAM
PIN- 796081.

6:C. RUALHMINGLIANA
S/O- LATE SANGZUALA
R/O- SAIPHAI
P.O. BILKHEWTHIR
DIST.- KOLASIB
MIZORAM

PIN- 796091.
7:LALBIAKMIA PACHUA
S/O- V. L. ROUTE PACHUA
R/O- BILKHEWTHIR
P.S. VARIGENGTHE
DIST.- KOLASIB
MIZORAM
PIN- 796101.

Advocate for : MR. R GOSWAMI
Advocate for : MR. M TALUKDAR (R1-R5) appearing for SMTI.
LALTHUANMAWII AND 6 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

10.03.2023

Heard Mr. M. Talukdar, learned counsel for the applicant and Mr. R. Goswami, learned counsel for the Insurance Company.

2. This application has been filed seeking modification of the order dated 11.02.2023 passed in Lok Adalat in MAC Appeal No. 184/2021.

3. It is submitted by the learned counsels for the parties that in the order dated 11.02.2023 passed by this Court, it was ordered that "the parties are agreed and the matter is settled at full and final settlement of Rs. 58,00,000/- (Rupees Fifty Eight Lakhs Only)".

4. The learned counsel for the applicant has fairly submitted that an amount of Rs. 25,39,453/ (Rupees Twenty Five Lakhs Thirty Nine Thousand Four Hundred Fifty Three Only) was already deposited in the Registry and therefore, the Insurance Company is required to now deposit a balance amount of Rs. 32,60,547/- (Rupees Thirty Two

Lakhs Sixty Thousand Five Hundred Forty Seven only). Accordingly, the order dated 11.02.2023 is required to be modified to the extent that instead of Rs. 58,00,000/- (Rupees Fifty Eight Lakhs Only), the amount required to be paid by the Insurance Company should be Rs. 32,60,547/- (Rupees Thirty Two Lakhs Sixty Thousand Five Hundred Forty Seven only). The averment in Para-7 of the application is extracted below:

*“7. That since the appellant Insurance Company deposited an amount of Rs. 25,39,453/- in the Registry on 25.10.2021 in connection with the said case, only paragraph 8 (at page No. 5) of the said order dated 11.02.2023 is required to be corrected and/or modified i.e. in paragraph 8, it may be recorded as **"It is submitted by the Insurance Company that an amount of Rs. 25,39,453/- was deposited on 25.10.2021 in connection with this case in the Registry. Accordingly, the Insurance Company is directed to deposit the balance amount of Rs. 32,60,547/- in the Registry within a period of four weeks from today"** instead of "It is submitted by the Insurance Company that no amount has been deposited in connection with this case as yet accordingly, Insurance Company is directed to deposit the entire amount within a period of four weeks from today."*

5. The learned counsel for the Insurance Company does not dispute the submissions made by the learned counsel for the petitioner. He submits that the amount earlier deposited by the Insurance Company could not be brought to the notice of this Court during the National Lok Adalat due to oversight.

6. Accordingly, in view of the submissions made by the learned counsels for the parties, this Interlocutory Application is allowed by modifying the order dated 11.02.2023 to the extent that the amount required to be deposited by the Insurance Company shall be the balance amount of Rs. Rs. 32,60,547/- (Rupees Thirty Two Lakhs Sixty Thousand Five Hundred Forty Seven only) instead of Rs. 58,00,000/- (Rupees Fifty Eight Lakhs Only) as earlier directed.

7. This order shall be read together with the order dated 11.02.2023 passed in MAC Appeal No. 184/2021.

8. Interlocutory application is accordingly allowed and disposed of.

JUDGE

Comparing Assistant