

GAHC010081212023



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

Case No. : I.A.(Civil)/1227/2023

THE NATIONAL INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED HEAD OFFICE AT 3 MIDDLETON STREET,
CALCUTTA 700071 AND REGIONAL OFFICE AT BHANGAGARH,
GUWAHATI, REPRESENTED BY THE REGIONAL MANAGER, GUWAHATI
781005, DIST KAMRUP M ASSAM

VERSUS

ARPITA MESH @ ARPITA GOGOI MECH AND 3 ORS
W/O LATE NITYANANDA MECH @ MESH
RESIDENT OF VILLAGE DUKANI GAON, PS SANDIYA, DIST TINSUKIA,
ASSAM
PRESENT ADDRESS
C/O MONOWARA KHATUN,
RESIDENT OF KATAHBARI, PS GARCHUK, DIST KAMRUPM ASSAM

2:MS. VIOLINA MECH
(MINOR DAUGHTER)
D/O LATE NITYANANDA MECH @ MESH
RESIDENT OF VILLAGE DUKANI GAON
PS SANDIYA
DIST TINSUKIA
ASSAM
PRESENT ADDRESS
C/O MONOWARA KHATUN

RESIDENT OF KATAHBARI

PS GARCHUK
DIST KAMRUPM ASSAM

3:SMTI PABITRI MECH
(MOTHER)
W/O SRI SAMBHU MECH
RESIDENT OF VILLAGE DUKANI GAON
PS SANDIYA
DIST TINSUKIA
ASSAM
PRESENT ADDRESS
C/O MONOWARA KHATUN

RESIDENT OF KATAHBARI
PS GARCHUK
DIST KAMRUPM ASSAM

4:SRI SAMBHU MECH
S/O LATE BAPURAM MECH (FATHER)
RESIDENT OF VILLAGE DUKANI GAON
PS SANDIYA
DIST TINSUKIA
ASSAM
PRESENT ADDRESS
C/O MONOWARA KHATUN

RESIDENT OF KATAHBARI
PS GARCHUK
DIST KAMRUPM ASSAM

5:MADUCON PROJECT LTD.
REPRESENTED BY ITS MANAGER
RESIDENT OF KARKATTA RAJAULATU

PO RANCHI
DIST AND PS JHARKHAND
83400

Advocate for the Petitioner : MRS. D DAS BARMAN

Advocate for the Respondent :

Linked Case :

THE NATIONAL INSURANCE COMPANY LIMITED

VERSUS

ARPITA MESH @ ARPITA GOGOI MECH AND 3 ORS B

Advocate for : MRS. D DAS BARMAN

Advocate for : appearing for ARPITA MESH @ ARPITA GOGOI MECH AND 3 ORS
B

Linked Case :

THE NATIONAL INSURANCE COMPANY LIMITED

VERSUS

ARPITA MESH @ ARPITA GOGOI MECH AND 3 ORS B

Advocate for : MRS. D DAS BARMAN

Advocate for : appearing for ARPITA MESH @ ARPITA GOGOI MECH AND 3 ORS
B

NATIONAL LOK ADALAT

(HELD ON 09TH OF SEPTEMBER, 2023)

:::BEFORE:::

HON'BLE MRS. JUSTICE MITALI THAKURIA

Name of the Concillators:

1. Ms. Purnima Baruah Bordoloi
2. Mr. Dipankar Kumar Bagchi

ORDER

The case is put up before the National Lok Adalat.

The Insurance Company is represented by its officials.

The claimant- Smti Pabitri Mech duly present along with her engaged counsel.

However, it is stated that the claimant Nos. 1 & 4 have already expired and the claimant No. 2, who is the minor daughter of the deceased, is unable to present before this Lok Adalat. Further it is stated that during the pendency of the present appeal, the claimant Nos. 1 & 4 died on 16.08.2023 & 03.06.2021 respectively.

It is submitted that the earlier awarded amount was Rs. 11,29,557/- (Rupees eleven lakhs twenty nine thousand five hundred fifty seven) only and after negotiation, both the parties are agreed to settle the matter at an amount of Rs. 10,50,000/- (Rupees ten lakhs fifty thousand) only as full and final settlement.

Accordingly, the appellant/National Insurance Company Ltd. is hereby directed to deposit an amount of Rs. 10,50,000/- (Rupees ten lakhs fifty thousand) only before the Registry of this Court within a period of 2 (two) months from today.

Further, from the awarded amount, Rs. 5,00,000/- (Rupees five lakhs) only will be deposited in the name of claimant No. 2- Ms. Violina Mech, minor daughter of the deceased, as fixed deposit in any nationalized bank till she attain her majority.

Registry to do the needful in this regard.

At this stage, one Death Certificate of respondent/claimant No. 4, Shri Sambhu Mech, is produced before this Court, but they failed to produce any Death Certificate of respondent/claimant No. 1, Smti Arpita Mesh @ Arpita Gogoi Mech, who was stated to be the wife of the deceased.

Accordingly, the claimant No. 3 will be at liberty to withdraw the remaining amount on being proper verification and identification by the concerned counsel of the case subject to production of the Death Certificate of respondent/claimant No. 1 issued by the competent authority.

Statutory deposit, if any, shall be returned to the Insurance Company.

The appeal stands disposed of in terms above.

JUDGE

Comparing Assistant