

GAHC010112002020



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

Case No. : MACApp./517/2022

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

VERSUS

DHANI RAM NATH AND 6 ORS (E)
W/O- LATE BAPAN NATH, R/O- VILL.- SHIBNAGAR, P.O. DIGORKHAL, P.S.
KATIGORAH, DIST.- CACHAR, ASSAM, PIN- 788815.

2:BIPUL NATH
S/O- LATE BAPAN NATH
R/O- VILL.- SHIBNAGAR
P.O. DIGORKHAL
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815.

3:MISS PINKY NATH
D/O- LATE BAPAN NATH
R/O- VILL.- SHIBNAGAR
P.O. DIGORKHAL
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815.

4:BABUL NATH
S/O- LATE PAKHAN NATH
R/O- VILL.- SHIBNAGAR

P.O. DIGORKHAL
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815.

5:BIJU NATH
S/O- LATE PAKHAN NATH
R/O- VILL.- SHIBNAGAR
P.O. DIGORKHAL
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815. (OPPOSITE PARTY NO. 2 AND 3 ARE REP. BY OPP. PARTY NO. 1).

6:JAGADBANDHU BHATTACHARJEE
S/O- LATE JAGADISH BHATTACHARJEE
R/O- KALAINCHERRA
P.O. TEA GARDEN
KALAINCHERRA
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815.

7:BIPLAB KUMAR NATH
S/O- BIRENDRA KUMAR NATH
R/O- VILL.-KHELMA PT.-VII
P.O. GUMRAH
P.S. KATIGORAH
DIST.- CACHAR
ASSAM
PIN- 788815

Advocate for the Petitioner : MS. R D MOZUMDAR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 11.02.2023

The case is put up before the National Lok-Adalat.

The matter is settled between the parties.

The claimant No. 1, Smti Dhani Ram Nath and claimant no. 3 - Miss Pinky Nath as well as Regional Manager, National Insurance appears for the Insurance Company are present. The claimant no. 2 – Sri Bipul Nath, claimant no. 4 – Sri Babul Nath and the claimant no.5 – Sri Biju Nath are not present.

The claimant no. 2 – Sri Bipul Nath stated to be the son of claimant No. 1 Smti Dhani Ram Nath, and claimant no. 3 - Miss Pinky Nath is the daughter of claimant no. 1, claimant no. 4-Sri Babul Nath and claimant no.5 – Sri Biju Nath are brothers in law of claimant No. 1-Smti Dhani Ram Nath, and both are stated to be majore as on date, and are gainfully employed, outside Assam.

Since the parties have agreed, the matter is settled an amount of Rs. 29,00,000/- (Rupees Twenty Nine Lakh only) as full and final sentiment.

The Insurance Company has submitted an amount of Rs. 13,55,177/- (Rupees Thirteen Lakh Fifty Five Thousand One Hundred and Seventy Seven only) haD already been paid before the Registry vide cheque no. 350709 dated 15.09.2022, as such the balance amount of Rs. 15,44,823/- (Rupees Fifteen Lakh Forty Four Thousand Eight Hundred and Twenty Three only) is directed to be paid within a period of four weeks from today before the Registry of this Court.

Since the claimant nos. 2 and 3 are minors, the Registry will release an amount of Rs. 4,00,000/- (Rupees Four Lakh only) each, in the name of claimants no. 2 & 3, which the claimant no. 1 will deposit in a Nationalized bank in a Fixed Deposit account for at least seven years in favour of the claimant nos. 2 & 3.

Since, it has been valid by the MACT Court below that claimant No. 4 was already a major on the date of incident and was not considered to be dependant. We see no reason to take a different view. However, on the date of accident, the claimant no. 5 was a minor and was considered to be a dependant. However, apparently from the judgment of the tribunal itself, it appears that the claimant no. 5 will be major as on date. However, since he was considered to be a minor, an amount of Rs. 50,000/- (Rupees Fifty Thousand) be released in his name by the Registry. Balance amount of Rs. 20,50,000/- (Rupees Twenty Lakh Fifty Thousand only) will be released in the name of claimant no. 1-Smti.Dhani Ram Nath, upon furnishing of proper Identity proof and bank account details to the satisfaction of the Registry.

The matter is accordingly settled and disposed of.

Statutory deposit, if any, by the Insurance Company is permitted to withdraw from the Registry of this Court.

JUDGE

Comparing Assistant