

GAHC010122302018



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

Case No. : MACApp./607/2018

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD
HAVING ITS REGD OFFICE AND HEAD OFFICE AT ICICI BANK TOWERS,
BANDRA KURLA COMPLEX, MUMBAI- 400051, ITS ZONAL OFFICE AT
APEEJAY HOUSE, 15 PARK STREET, 7TH FLOOR, KOLKATA- 700016 AND A
BRANCH OFFICE AT MADHAB TOWER, 3RD FLOOR, RUKMINIGAON, G S
ROAD, GUWAHATI- 781022

VERSUS

MUNMUN SARKAR AND 5 ORS
W/O- LATE MALAY SARKAR, R/O- C/O- BHARAT SARKAR LALGANESH,
NILACHAL PATH, H NO. 01, ODALBAKRA, GUWAHATI- 781034, DIST-
KAMRUP, ASSAM

2:PRITHIVIRAJ SARKAR
S/O- LATE MALAY SARKAR
R/O- C/O- BHARAT SARKAR LALGANESH
NILACHAL PATH
H NO. 01
ODALBAKRA
GUWAHATI- 781034
DIST- KAMRUP
ASSAM

3:KAUSHIK BORA
S/O- PITAMBAR BORA
R/O- AHMED MENSION APARTMENT
NATUN SARANIA
GANDHIBASTI
BYE LANE NO. 1
SCHOOL ROAD
GUWAHATI- 781007

DIST- KAMRUP
ASSAM

4:SUKUR ALI
S/O- AHMED ALI
R/O- VILL AGDIA
P.O- GOYA
P.S- BARPETA
DIST- BARPETA
ASSAM
PIN- 781301

5:THE DIVISIONAL MANAGER
M/S UNITED INDIA INSURANCE CO LTD
DIVISIONAL OFFICE(DISPUR BRANCH)
GUWAHATI- 781005

6:ASHOK CHAKRABORTY
S/O- LATE AMULLYA CHAKRABORTY
R/O- VILL- KAMARGAON AMBARI
P.O AND P.S- BISWANATH CHARIALI
DIST- SONITPUR
ASSAM
PIN- 78417

Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : MR D MONDAL (R1, R2)

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.02.2023

The claimant Smt. Munmun Sarkar in person is present along with Mr. D. Mondal, the learned counsel appearing on behalf of the claimant. Mr. R. Goswami, the learned standing counsel appearing on behalf of the ICICI Lombard General Insurance Company Ltd. as well as Mr. Parag Jyoti Phukan, Legal Retainer of ICICI Lombard General Insurance Company Ltd.

The Motor Accident Claims Tribunal No. 1, Kamrup(Metro) at Guwahati vide an

award dated 27/3/2018 passed in MAC Case No. 586/2010 had awarded an amount of Rs.74,46,160/- inclusive of no-fault award along with interest @ 7% p.a. from the date of closing the evidence of claimant side i.e. 23/12/2016 till payment. The United India Insurance Co. Ltd. who was the opposite party No. 3 in the said proceedings and the ICICI Lombard General Insurance Company Ltd. (the appellant herein) were directed to pay the award within one month from the date of award in equal proportions.

Mr. A.J. Saikia, the learned standing counsel appearing on behalf of the United India Insurance Co. Ltd. had submitted that the amount payable by the said Insurance Company has already been paid, to which Mr. D. Mondal as well as Smt. Munmun Sarkar have duly agreed. As regards the liability in terms with the award pertaining to ICICI Lombard General Insurance Company Ltd., it has been submitted that the matter has been amicably settled between the parties and an amount of Rs. 40,41,500/- shall be the full and final settlement between the claimant Smt. Munmun Sarkar with the ICICI Lombard General Insurance Company Ltd. It has also been mentioned that out of the said amount of Rs.40,41,500/- an amount of Rs. 18,61,500/- has already been paid and the remaining amount of Rs. 21,80,000/- shall be deposited before the Registry of this Court within a period of 30 days from the date of the instant order. In that regard, Mr. R. Goswami, the learned counsel appearing on behalf of the ICICI Lombard General Insurance Company Ltd. has placed on record a Communication dated 10/02/2023 issued to him by the Legal Manager of the ICICI Lombard General Insurance Company Ltd. The same is kept on record and marked with the letter X.

In that view of the matter, the instant appeal stands disposed of with a direction to the ICICI Lombard General Insurance Company Ltd to deposit Rs. 21,80,000/- before the Registry of this Court within 30 days from today.

The claimant Smt. Munmun Sarkar thereupon shall be at liberty to file an application before the Registry of this Court and upon proper verification, the said

amount shall be released to the claimant Smt. Munmun Sarkar.

Upon the deposit of the said amount of Rs. 21,80,000/- the Registry is directed to return the statutory deposit of Rs. 25,000/- to the appellant/ ICICI Lombard General Insurance Company Ltd.

Return the LCR.

JUDGE

Comparing Assistant