

GAHC010143122023



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

Case No. : I.A.(Civil)/1868/2023

M/S BRAHMAPUTRA BIO-CHEM PVT. LTD.
JAMBARI, NEAR INDUSTRIAL AREA, GROWTH CENTRE CHAYGAON,
DIST. KAMRUP, PIN- 781141.

VERSUS

MALATI DEVI
W/O- SRI CHANDRA DEO MAHATO, R/O- VILL.- MAYAGAON, HOUSE NO.
110, P.O. RAIKARARIA, , P.S. PAHARPUR, DIST. EAST CHAMPARAN, BIHAR,
PIN- 845422 .

Advocate for the Petitioner : MR S CHAKRABORTY

Advocate for the Respondent : MR. S DAS

Linked Case : MFA/82/2022

M/S BRAHMAPUTRA BIO-CHEM PVT. LTD. AND ANR.
JAMBARI
NEAR INDUSTRIAL AREA
GROWTH CENTRE CHAYGAON
DIST. KAMRUP
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MALATI DEVI AND ANR.
W/O- SRI CHANDRA DEO MAHATO
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HOUSE NO. 110
P.O. RAIKARARIA

P.S. PAHARPUR
DIST. EAST CHAMPARAN
BIHAR
PIN- 845422 .

2:LAXMAN MAHATO
S/O- BHOLA MAHATO
R/O- VILL.- PAKANA
P.O. AND P.S. PALANYA
DIST. MOTIHARI
BIHAR.

Advocate for : MR A DASGUPTA
Advocate for : MR. S DAS appearing for MALATI DEVI AND ANR.

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 28-06-2023

Heard Mr. S. Chakraborty, learned counsel appearing on behalf of Mr. A. Dasgupta, learned Senior counsel for the applicant/appellant. Also heard Mr. S. Das, learned counsel for the respondent and Smti. Malati Devi, respondent in person, who is duly identified by Mr. S. Das, learned counsel for the respondent.

This is a joint application filed by the parties to close and dispose of the appeal, i.e. MFA No.82/2022 arising out of W.C. Case No.55/2016 in terms of settlement dated 23.06.2023.

Mr. S. Chakraborty, learned counsel for the applicant/appellant has submitted that during the pendency of the appeal both the parties have mutually settled the matter outside the Court and a Memorandum of Settlement was signed between Smti. Malati Devi/respondent in person, and Mr. Arjun Arora, Director, M/S Brahmaputra Bio-Chem Pvt. Ltd., on 23.06.2023 Guwahati, which is annex as annexure-1 in the application.

He also submitted that, as per the terms and conditions the respondent in person has already received a sum Rs.4,90,000/-(Rupees Four lakhs ninety thousand) only for the treatment of her son. Further, Smti. Malati Devi/respondent in person also agreed to accept an amount of Rs.7,50,000/-(Rupees Seven lakhs fifty thousand) only as full and final settlement of all claims under the Employees' Compensation Act, 1923 on account of injuries sustained by Lt. Sandip Kumar. He also handed over the Bank Draft of Axis Bank being No.078262 dated 27.06.2023 with a sum of Rs.7,50,000/-(Rupees Seven lakhs fifty thousand) only to the respondent in person in presence of this Court and engaged counsel for the respondent.

In this regard, Mr. S. Das, learned counsel for the respondent has submitted that he has no objection as the matter has been settled between the parties outside the Court. Accordingly, his client or respondent in person accepted the settlement amount along with the terms and conditions as provided in the Memorandum of Settlement dated 23.06.2023.

Considering the submissions made by the learned Advocates of both sides and also after personally examining the respondent in person as well as on the

ground of compromise between the parties, I find it appropriate to allow the prayer made by both the parties.

In view of above observations, the further proceedings in connected MFA Case No.82/2022 arising out of W.C. Case No.55/2016 in terms of settlement dated 23.06.2023 stands closed and disposed of.

JUDGE

Comparing Assistant