

GAHC010214232018



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

Case No. : MACApp./872/2018

NATIONAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI
REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI-5
ASSAM AND ONE OF ITS DIVISIONAL OFFICE AT GUWAHATI.

VERSUS

SMTI DIPALI DEKA AND 4 ORS
W/O LATE JATIN DEKA
PERMANENT R/O VILL. KAMARGAON
P.S. SARBHOG
DIST. BARPETA
(ASSAM)
PIN 781317
RESENTLY R/O GANDHIBASTI
GUWAHATI-3
P.O. AND P.S. CHANDMARI
DIST. KAMRUP (M)
ASSAM
PIN 781003

2:SMTI DHANIA DEKA
D/O LATE JATIN DEKA
PERMANENT R/O VILL. KAMARGAON
P.S. SARBHOG
DIST. BARPETA
(ASSAM)
PIN 781317

RESENTLY R/O GANDHIBASTI
GUWAHATI-3
P.O. AND P.S. CHANDMARI
DIST. KAMRUP (M)
ASSAM
PIN 781003

3:SRI PALASH DEKA
S/O LATE JATIN DEKA
PERMANENT R/O VILL. KAMARGAON
P.S. SARBHOG
DIST. BARPETA
(ASSAM)
PIN 781317
RESENTLY R/O GANDHIBASTI
GUWAHATI-3
P.O. AND P.S. CHANDMARI
DIST. KAMRUP (M)
ASSAM
PIN 781003

4:SRI ANANDA BORO
S/O BARADA BORO
R/O VILL. SULIAKATA
P.S. SARBHOG
DIST. BARPETA (ASSAM)
PIN 781317

5:SHRI RATUL DAS
S/O TIKEN DAS
R/O VILL. NO. 2 BOULAJHAR
P.O. PANBARI
P.S. BIJNI
DIST. CHIRANG (BTAD)
ASSAM
PIN 788119

Advocate for : MR. K K BHATRA
Advocate for : appearing for SMTI DIPALI DEKA AND 4 ORS

**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, namely, Smti Dipali Deka, is present before Court today. The claimant Nos. 2 and 3, namely, Smt. Dhaniala Deka and Sri Palash Deka are not present before the Lok Adalat today.

Ms. Mary Pegu, Regional Manager appears for the National Insurance Company Limited.

It is submitted by both the claimant No. 1 and the Insurance Company's representatives that this matter is settled between the parties at an amount of Rs. 11,00,000/- (Rupees Eleven Lakhs) as full and final settlement in respect of the claims raised by the claimant.

The claimant No. 1 submits that claimant No. 2 is the married daughter and resides with her husband in the district of Barpeta and the claimant No. 3 is a son who is stated to be employed in the SSB. The claimant No. 1 submits that the entire amount of Rs. 11,00,000/- (Rupees Eleven Lakhs) should be given to the claimant No. 1 as she has no other means of income and there will be no objections from the claimant Nos. 2 & 3 towards release of the entire amount in her favour. However, no such NOC in her favour has been produced by the claimant No. 1 today. As such, in view of the settlement arrived at, the matter is closed.

The Insurance company will deposit the said amount within 4(four) weeks

from today before the Registry of the Gauhati High Court. The Registry upon verification of identities of the claimants and bank details shall release the amount in the following manner.

In view of the statement that the claimant No. 2 is a married daughter and the claimant No. 3 is a son employed in the SSB, this Court is of the view that the direction of the MACT No. 3, Kamrup(M) can be modified and a total amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) each should be released to the claimants No. 2 and 3 and the balance amount should be released in favour of the claimant No. 1 as she is widow of the deceased and she submits that she has no independent sources of income.

In terms of the above as the matter is settled between the parties and the matter is disposed of.

Statutory deposit, if any, made by the Insurance Company may be withdrawn.

JUDGE

Comparing Assistant