

GAHC010244322022



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

Case No. : MACApp./817/2022

NEW INDIA ASSURANCE CO LTD.
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING, 87,
MAHATMA GANDHI ROAD, MUMBAI AND ONE OF THE REGIONAL OFFICE
AT STAR CITY COMPLEX, 5TH FLOOR, LACHIT NAGAR, GUWAHATI
781005, NEAR HANUMAN MANDIR

VERSUS

NIRUPROVA LAHON AND 4 ORS.
W/O LATE DURBADAL LAHON, RESIDENT OF VILLAGE KEKURI AHOM,
PO CHAMARAJAN , PS AND DIST DHEMAJI, ASSAM, 787057

2:SMTI NITUMONI LAHON
W/O LATE GHANASHYAM LAHON

RESIDENT OF VILLAGE KEKURI AHOM
PO CHAMARAJAN
PS AND DIST DHEMAJI
ASSAM
787057

3:SRI ROKTODIP LAHON
S/O LATE GHANASHYAM LAHON

RESIDENT OF VILLAGE KEKURI AHOM
PO CHAMARAJAN
PS AND DIST DHEMAJI
ASSAM
787057

4:JYOTIMOI LAHON
S/O LATE GHANASHYAM LAHON

RESIDENT OF VILLAGE KEKURI AHOM
PO CHAMARAJAN
PS AND DIST DHEMAJI
ASSAM
787057

5:SRI HEMANTA DAS

S/O AJIT DAS
RESIDENT OF VILLAGE KUMARKATA
PO NARAGAON
PS NORTH LAKHIMPUR
ASSAM
787031

6:SRI PRABHAT PADI
S/O PHATIK PADI

RESIDENT OF NO. 2 KAWAIMARI GAON
PO BADHAKARA
PS NORTH LAKHIMPUR
ASSAM 78703

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.02.2023

Smti Niruprova Lahon and Smti Nitumoni Lahon, the claimants appear in person accompanied by Mr. Gopinath Handique the learned counsel. Ms. S.K. Hansing, the Regional Manager of the New India Assurance Co. Ltd. along with Mr. K.K. Bhatta, the learned counsel appears on behalf of the New India Assurance Co. Ltd.

The learned Motor Accident Claims Tribunal, Dhemaji in MAC Case No. 32/2019 had awarded an amount of Rs. 38,57,000/- along with interest @ 8% w.e.f. 24/5/2022. It further appears from the award, that the learned Tribunal had directed

that Rs. 20 lakhs shall be put in fixed deposit in MIS in a Nationalised Bank in equal proportion in the name of minor sons of the deceased. Further Rs. 5 lakhs was directed to be given to the mother of the deceased and the remaining amount was directed to be paid to the wife of the deceased.

It has been brought to the attention of this Court that the parties herein have amicably settled the dispute at an amount of Rs. 35,70,076/-, i.e. the principal amount being Rs.34,79,000/- and the interest being Rs. 91,076/-.

Taking into account that the matter has been amicably settled, the New India Assurance Company is therefore directed to deposit Rs. 35,70,076/- after deducting the applicable TDS before the Motor Accident Claims Tribunal, Dhemaji within 30 days from the date of the instant order.

Upon deposit of the said amount, the appellant/insurance Company shall produce the necessary receipts or order from the Tribunal and on the basis thereof the Registry of the Court shall refund the statutory deposit.

Taking into account that the amount which have been amicably settled is less than the amount which have been awarded, this Court directs the Tribunal that Rs. 18 lakhs shall be kept in a fixed deposit in MIS in a Nationalised Bank in equal proportion in the name of Sri Roktodip Lahon and Sri Jyotimoi Lahon. Further an amount of Rs. 5 lakhs be released to the mother of the deceased Smti Niruprova Lahon upon an application being filed by Smt. Niruprova Lahon and upon proper verification. The remaining amount of the compensation so deposited shall be released to Smti Nitumoni Lahon upon an application being filed by Smti Nitumoni Lahon and upon proper verification.

With the above, the instant appeal stands disposed off.

JUDGE

Comparing Assistant