

GAHC010252362022



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

Case No. : I.A.(Civil)/3743/2022

THE NEW INDIA ASSURANCE CO. LTD.
BRANCH OFFICE GS ROAD, ULUBARI, GODREJ BUILDING, FIRST FLOOR,
GUWAHATI 05, ASSAM, 781005

VERSUS

TUTUMONI CHUTIA AND 2 ORS.
W/O SRI BAPARAM CHUTIA, MOTHER OF LATE PRAGYAN CHUTIA,
RESIDENT OF VILLAGE GORHMARA ROHDHALA, PO SISSIBORGAON, PS
SILAPATHAR, DIST DHEMAJI, ASSAM

2:SRI BAPARAM CHUTIA

S/O LATE KUMALSON CHUTIA
RESIDENT OF VILLAGE GORHMARA ROHDHALA
PO SISSIBORGAON
PS SILAPATHAR
DIST DHEMAJI
ASSAM

3:SMTI SEWALI DIHINGIA

D/O BHADRESWAR DIHINGIA
HOUSE NO. 122(B) GANDHIBASTI TINIALI
GUWAHATI 03
PS CHANDMARI
DIST KAMRUP (M) ASSAM 78100

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent :

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 24-03-2023

Heard Ms. L. Sarma, learned counsel appeared on behalf of Mr. K.K. Bhatta the learned conducting counsel for the applicant.

,Also heard Mr. L. Hussain, the learned counsel appeared on behalf of respondent/appellant.

By this interlocutory Application the application is filed by the New India Assurance Company Limited for the modification of the order dated 12.11.2022, passed in MAC Appeal No. 162/2022.

It is submitted by the learned counsel for the applicant that there a settlement before this Court with the opposite party No. 1 and 2 as the appellant has been filed the aforesaid appeal and accordingly the matter was settled before this Court in the National Lok Adalat and vide order dated 12.11.2022. The matter was settled on compromise where the order passed as follows :

“The case is put up before National Lok Adalat. The appellant as well as the representative of New India Assurance Co. Ltd are present. The matter was settled by the negotiation made between the parties and accordingly, company assumes to pay the full amount to the appellant/claimant of Rs. 10,94,400/-. Apart from that from the record, it reveals that as per the award, the insurance company has already deposited the amount of Rs. 7,70,962/- before the learned Tribunal and out of which Rs. 50,000/-has already been withdrawn by the claimant/appellant.

Accordingly, the matter is settled before the Lok Adalat.

The respondent, New Indian Assurance CO. Ltd is directed to deposit the amount of Rs. 10,94,400/- before the learned member MACT No. 3 Kamrup (M) Guwahati within 30 days from today and the appellant/claimant shall be at liberty to withdraw the same on proper identification". .

But inadvertently, the word "full amount" was mentioned instead of the word *assumes to pay*.

At the same point, in the last paragraph again the said order word "additional amount" should be there instead of "full amount of Rs. 10,94,400/-".

Accordingly, the learned counsel appeared on behalf of the applicant prayed for modification of the said order.

In this context, learned counsel for the appellant/respondent raised no objection in such modification.

In view of above, the order dated 12.11.2022 is modified and read as follows.

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

The appellant as well as the representatives of New India Assurance Co. Ltd are present.

The matter was settled by the negotiation made between the parties and accordingly, company assumes full liability and as such agreed to pay the additional amount to the appellant/claimant of Rs. 10,94,400/-. Apart from that from the record, it reveals that as per the award, the insurance company has already deposited the amount of Rs. 7,70,962/- before the learned Tribunal and out of which Rs. 50,000/- has already been withdrawn by the claimant/appellant.

Accordingly the matter is settled before the Lok Adalat.

The respondent, New India Assurance Co. Ltd is directed to deposit additional amount of Rs. 10,94,400/- before the learned member MACT No. 3 Kamrup (M), Guwahati within 30 days from today and the appellant/claimant shall be at liberty to withdraw the same on proper identification."

With the observation made above, the petition stands disposed of.

JUDGE

Comparing Assistant