

GAHC040011742021



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

Case No. : MACApp./8/2021

Karge @ Morge Ete
S/o Shri Jummo Ete,
A permanent resident of Kugi Village, P.O and P.S Aalo, West Siang District,
Arunachal Pradesh

VERSUS

Ibom Bogo and 3 Ors.
S/o Late Goi Bogo,
Resident of Village Bogo, PO Darak, PS Kamba, District, West Siang Arunachal
Pradesh. 2:Gini Ete
Age: 0
Occupation :

3:Bijum Potom
Age: 0
Occupation :

4:Goto Gamlin
Age: 0
Occupation

Advocate for the Petitioner : Marto Kato

Advocate for the Respondent : Minki Boje

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 11.01.2024

Heard Mr. M. Kato, learned counsel for the appellant. Also heard Mr. T. Ango, learned counsel for the respondent no. 1 and Mr. K. Loya, learned counsel for the respondent no. 2 as well as Mr. M. Boje, learned counsel for the respondents no. 3 & 4.

This appeal is directed against the Judgment and award dated 27.10.2021, passed in MACApp./03(AP)2020 (Aalo), whereby the claimant/respondent no. 1 has been awarded a sum of Rs. 5,40,000/- (Five lakhs forty thousand) with interest @ 6% per annum from the date of filing of claim petition i.e. 26.09.2014 till actual realization of the award after deducting the amount paid to the claimant under Section 140 of the MV Act.

The learned Member MACT has held the appellant to be liable to pay the compensation of Rs. 5,40,000/- to the claimant/respondent no. 1.

The learned counsel for the parties have come to a consensus that the present appeal be disposed of on consent without going into the merit of the appeal by modifying the judgment and award dated 27.10.2021, passed in MACApp./03(AP)2020.

The parties have submitted that since the appellant has paid a sum of Rs. 4,00,000/- (Four lakhs) which has been received by the claimant/respondent no. 1, the respondents no. 3 & 4 be directed to pay a sum of Rs. 2,00,000/- (Two lakhs) to the claimant/respondent no. 1 within

2(two) months from today.

Accordingly, this appeal is disposed of on consent that since the appellant had deposited a sum of Rs. 4,00000/- (Four lakhs only) which has already received by the claimant/respondent no. 1, the respondents no. 3 & 4 are directed to pay and deposit a lumpsum amount of Rs. 2,00000/- (Two lakhs only) within 2(two) months from today in the Registry of this Court and on such deposit, the claimant/respondent no. 1 shall be entitled to withdraw the same.

This Court extends appreciation to the learned counsel appearing for the parties for disposal of this present appeal on consensus.

The statutory deposit of Rs. 25,000/- (Twenty five thousand) be returned to the appellant.

The appeal stands disposed of in terms above.

JUDGE

Comparing Assistant