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

Case No. : MACApp./82/2018

SRIMATI BARNALI SAIKIA BORA and 3 ORS
R/O FLAT NO. E-2, RODALEE APARTMENTS, HATIGARH CHARIALI, P.S.
GITANAGAR, GUWAHATI, DIST. KAMRUP, ASSAM.

2: BARNAM KAUSHIK BORA
R/O FLAT NO. E-2
RODALEE APARTMENTS
HATIGARH CHARIALI
P.S. GITANAGAR
GUWAHATI
DIST. KAMRUP
ASSAM.

3: BIKRAM KAUSHIK BORA
R/O FLAT NO. E-2
RODALEE APARTMENTS
HATIGARH CHARIALI
P.S. GITANAGAR
GUWAHATI
DIST. KAMRUP
ASSAM

VERSUS

THE RELIANCE GENERAL INSURANCE CO. LTD.
ANIL PLAZA, G.S. ROAD, BHANGAGARH, GUWAHATI, DIST. KAMRUP,
ASSAM, PIN 781005

2: ANJU MAHANTA
R/O AVINAV APARTMENTS
JAPORIGOG
P.S. GITANAGAR
GUWAHATI
DIST. KAMRUP (M)

ASSAM
PIN 781021

3:AJIT MUNDA
R/O VILL. DHEKIAJULI TEA ESTATE
JORHAT
DIST. JORHAT
ASSAM
PIN 785001

4:THE HDFC ERGO G.I.C. LTD.
MAYUR GARDENS
G.S. ROAD
BHANGAGARH
GUWAHATI
DIST. KAMRUP (M)
ASSAM
PIN 781005

5:RAM PAL DAHIYA
C/O SHIV SHANKAR BHATTA CO. KANSALA
P.S. AND DIST. ROHTAK
HARYANA 124001

6:SATISH KUMAR
R/O VILL. GAUTAM NAGAR
P.S. GOHANA
SONEPAT
DIST. SONEPAT
HARYANA
PIN 13100

Advocate for the Petitioner : MR. K K DUTTA, MS. R BORAH

Advocate for the Respondent : MS. P BORTHAKUR (r-1), MR. R GOSWAMI (r-1)

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14.12.2024

The appellant no.1, Smt. Barnali Saikia Bora; and Sri Bikram Kaushik

Bora, appellant no.3 are the claimant nos.1 and 3 respectively are present.

2. It is submitted that the claimant no.4, Smt. Aijoni Bora has expired after the award was passed. The appellant no.2, Sri Barnam Kaushik Bora is out of India and therefore, could not appear and it is submitted that the appellant no.1, being the mother of the appellant no.2 is authorized to settle the matter in his interest.

3. Md. Menhaz Ahmed Barbhuiya, Senior General Manager of Reliance General Insurance Co. Ltd. is present.

4. After negotiated settlement, the parties have agreed for a total settlement amount of Rs.13,07,500/- (Rupees thirteen lakh seven thousand five hundred only) as full and final settlement of all the claims of the appellants in MAC Case No. 237/2012, where the order and award dated 03.04.2017 was passed by the learned Member, MACT No.2, Kamrup (M), Guwahati.

5. The representative of the insurance company has submitted that a sum of Rs.2,50,775/- (Rupees two lakh fifty thousand seven hundred seventy five only), which is inclusive of the awarded amount of Rs.1,90,000/- (Rupees one lakh ninety thousand only) as well as interest thereon has been deposited. The same would be in addition of the amount of award.

6. It is submitted that the settlement amount is over and above the award of the Tribunal.

7. Accordingly, the matter is settled on compromise in terms of the pre-settlement/compromise slip for the National Lok Adalat, which is made as a part of record.

8. Both the parties shall put their signature in the pre-settlement compromise slip as token of acceptance for the settlement.

9. Accordingly, the Reliance General Insurance Company Ltd. shall deposit the settlement amount of Rs.13,07,500/- (Rupees thirteen lakh seven thousand five hundred only) in favour of the appellant no.1 before the Registry of this Court within a period of 30 (thirty) days from the date of the this settlement order, failing which the amount shall carry interest @ 9% per annum till the date of deposit.
10. The amount shall be released to the appellant no.1, namely, Smt. Barnali Saikia Bora, on satisfaction of her identity.
11. On furnishing proof of the deposit of the entire settlement amount, the Registry shall release the statutory deposit made by the appellant.
12. The matter is disposed of in this Lok Adalat.

JUDGE

Comparing Assistant