

GAHC010019502024



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

Case No. : I.A.(Civil)/292/2024

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, MAHATMA
GANDHI ROAD, FORT MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY
COMPLEX, 5TH FLOOR, LACHIT NAGAR, NEAR HANUMAN MANDIR, GS
ROAD, GUWAHATI 781007

VERSUS

FULERA BEGUM AND 3 ORS.
W/O LATE RAHIM UDDIN,
RESIDENT OF VILLAGE KUNJABASTI, PAILAPOOL. PS LAKHIPUR, DIST
CACHAR, ASSAM 783129

2:MD. ROMIJ KHAN
S/O LATE RAHIM UDDIN

RESIDENT OF VILLAGE KUNJABASTI
PAILAPOOL. PS LAKHIPUR
DIST CACHAR
ASSAM 783129

3:SAHAB UDDIN BARBHUIYA
S/O LATE LIAS ALI BARBHUIYA
RESIDENT OF VILLAGE KHASIPUR PART II
PS SILCHAR
DIST CACHAR
ASSAM 788001

4:SAYED UDDIN BARBHUIYA
S/O SELIM UDDIN BARBHUIYA

RESIDENT OF VILLAGE KHASIPUR PART II

PS SILCHAR
DIST CACHAR
ASSAM 78800

Advocate for the Petitioner : MS. P BORTHAKUR

Advocate for the Respondent : MR. M TALUKDAR (R-1)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.05.2024

Heard Ms. P. Borthakur, learned counsel appearing for the applicant Insurance Company. Also heard Mr. M. Talukdar, learned counsel representing Respondent Nos.1 and 2.

2. This is an application under Section 5 of the Limitation Act praying for condonation of 3 (three) days of delay in preferring the connected appeal.

3. Referring to the order dated 14.05.2024, Ms. Borthakur submits that the Insurance Company has already settled the matter with the claimants, thereby the Insurance Company has agreed to pay an amount of ₹19,22,672/- (rupees nineteen lakhs twenty-two thousand six hundred seventy-two) only including interest wherein the interest amount of ₹3,39,601/- (three lakhs thirty-nine thousand six hundred and one) shall be subject to TDS.

4. Mr. Talukdar has also agreed accordingly.

5. Therefore, the present application has become infructuous.

6. The connected MAC Appeal Filing Number 4488/2023 shall stand disposed of in terms of the agreement made between the parties.

7. The Insurance Company shall pay the compensation within 4(four) weeks in the

connected Tribunal i.e. MACT, Cachar, Silchar (Ref: MAC Case No.312/2019).

8. The respondent/claimant no.1 shall be at liberty to withdraw the aforesaid amount from the Tribunal without any riders.

9. The authorization letter issued by the Insurance Company marked as "X" shall form a part of the record.

10. In the meantime, the statutory deposit of ₹25,000/- shall be returned to the Insurance Company.

With the above observation and direction, the Interlocutory Application is disposed of.

JUDGE

Comparing Assistant