

GAHC010027282019



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

Case No. : MACApp./90/2019

THE NATIONAL INSURANCE CO. LTD.
HAVING ITS REGISTERED AND HEAD OFFICE AT 3 MIDDLETON STREET,
KOLKATA 700071 AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI 781005

VERSUS

SMTI. POMI THAKURIA and 7 ORS.
W/O LATE CHANDRADHAR THAKURIA, R/O GARIGAON,
BHA KHUNDAPARA, P.O. GARIGAON, PS. JALUKBARI, GUWAHATI, ASSAM,
PIN 781012

2:MISS. BHAGYASHREE THAKURIA

D/O LATE CHANDRADHAR THAKURIA
R/O GARIGAON
BHA KHUNDAPARA
P.O. GARIGAON
P.S. JALUKBARI
GUWAHATI
ASSAM
PIN 781012

3:MISS MADHUSNMITA THAKURIA

D/O LATE CHANDRADHAR THAKURIA
R/O GARIGAON
BHA KHUNDAPARA
P.O. GARIGAON
P.S. JALUKBARI
GUWAHATI
ASSAM

PIN 781012

4:MISS PORI THAKURIA

D/O LATE CHANDRADHAR THAKURIA
R/O GARIGAON
BHAKHUNDAPARA
P.O. GARIGAON
P.S. JALUKBARI
GUWAHATI
ASSAM
PIN 781012

5:SHRI DIPAK SARMAH

CARE OF DIPAK KUMAR DEKA
R/O CHENIKUTHI HILL ROAD
GUWAHATI
PIN 781003

6:SHRI CHANDAN BAISHYA

S/O LATE DEBEN BAISHYA
R/O AMIYAPUR
NALBARI
PIN 781335

7:SHRI NABIN THAKURIA

R/O GARIGAON
BHAKHUNDAPARA
P.S. JALUKBARI
GUWAHATI
ASSAM
PIN 781012

8:THE FUTURE GENERALI INDIA INSURANCE CO. LTD.

G.S. ROAD
CHRISTIANBASTI
OPPOSITE INCOME TAX OFFICE
GUWAHATI 78100

Advocate for the Petitioner : MR. A J SAIKIA, MR. K BORA,MR. N N BHUYAN

Advocate for the Respondent : MR. G JALAN (R-1 to 4), MR. S K SANGANERIA (R-1 to 4),MR. N BHATRA (R-1 to 4),MS R SAHA,MR. B J MUKHERJEE

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 14.12.2024

Heard Mr. Debajit Sarkar, Assistant Manager, National Insurance Co. Ltd., the appellant.

2. The respondents have appeared along with their learned counsel and he has admitted that after negotiated settlement, the parties have agreed for a total settlement amount of Rs.23,00,000/- (Rupees twenty three lakh only), which is in addition to Rs.15,81,750/- (Rupees fifteen lakh eighty one thousand seven hundred and fifty only) already paid. Accordingly, Rs.38,81,750/- (Rupees thirty eight lakh eighty one thousand seven hundred fifty only) would be the full and final settlement of all the claims of the respondents against the order and award dated 30.05.2014, passed by the learned Member, MACT No.2, Kamrup, Guwahati in MAC Case No.285/2012.

3. 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.

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

5. Accordingly, the National Insurance Co. Ltd. shall deposit the settlement amount of Rs.23,00,000/- (Rupees twenty three lakh only) in favour of the respondent nos.1 to 4 in equal proportions 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.

6. The respondent no.1 has submitted that the respondent no.4 is a minor. Therefore, her equal share of the balance amount would be Rs.5,75,000/- (Rupees five lakh seventy five thousand only), which shall be kept in a fixed deposit account till the respondent no.4 attains majority. The balance amount shall be released to the respondent nos.1 to 3 in equal proportions on satisfaction of their identity.

7. On furnishing proof of the deposit of the entire settlement amount, the Registry shall release the statutory deposit made by the appellant.

8. The matter is disposed of in this Lok Adalat.

JUDGE

Comparing Assistant