

GAHC010057782024



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

Case No. : MACApp./129/2024

TATA AIG GENERAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT PENINSULA CORPORATE PARK,
NICHOLAS PARIMAL TOWER 9TH FLOOR, GANPATRO KADAM MARG,
MUMBAI 400013, ZONAL OFFICE AT CONSTANTIA OFFICE COMPLEX, 2ND
FLOOR, 11 DR. U.N BRAHMACHARI STREET, KOLKATTA 700017 AND
BRANCH OFFICE AT ABC, GS ROAD, GUWAHATI 781005

VERSUS

MRINISHA SARMA AND 2 ORS
D/O SRI KHIROD SARMA
RESIDENT OF VILLAGE CHAMARI SATRA, PS BOKO, DIST KAMRUP
ASSAM 781123 REPRESENTED BY HER MOTHER NAMELY JEUTI SARMA

2: BABUL ALI
S/O LATE BAHAR ALI

RESIDENT OF ALOKJARI
PO BHALUKGHATA
PS BOKO
DIST KAMRUP
ASSAM 781123

3: ISLAM ALI
S/O LATE BAHAR ALI
RESIDENT OF VILLAGE BARA BAZAR BALIJANA
PO AGIA
DIST GOALPARA
ASSAM 78312

Advocate for the Petitioner : MR. R GOSWAMI, MS. M SAIKIA, MS. P BORTHAKUR

Advocate for the Respondent : MR. N K KALITA (R-2,3), MR. N. DEBNATH (r-1), MRS M KALITA (R-2,3), MR D DEKA (R-2,3)

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

14.09.2024

This is an appeal filed by the appellant-Tata AIG General Insurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 02.01.2024 passed by the learned Member, Motor Accident Claims Tribunal No. 2, Kamrup (M), Guwahati (for short MACT, Guwahati) in MAC Case No. 2314/2018 whereby an amount of Rs. 49,51,800/- was directed to be paid by the Insurance Company to the claimant.

Shri Subhas Debnath, Legal Manager of the Insurance Company and the claimant-Ms. Mrinisha Sarma along with her learned counsel, Shri N Debnath are present today i.e., 14.09.2024 in the National Lok Adalat.

The parties present before this Court jointly submit that the matter has been settled between the parties and lump sum amount of Rs.48,00,000/- as full and final settlement has been agreed upon.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the amount of Rs.48,00,000/- being the full and final settlement before the MACT, Guwahati within a period of 45 days from today.

The claimant would be at liberty to withdraw the aforesaid amount on being properly identified by her learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i) Out of the aforesaid amount of Rs.48,00,000/-, an amount of Rs. 20,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant-Mrinisha Sarma in any nationalized bank for a period of

3 years,

- ii) The remaining amount of Rs. 28,00,000/- is directed to be released in favour of the claimant.

The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded to the Insurance Company within a period of 30 days.

Send back the LCR.

JUDGE

Comparing Assistant