

GAHC010063182018



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

Case No. : MACApp./323/2018

UNITED INDIA INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 24 WHITES
ROAD, CHENNAI AND ITS REGIONAL OFFICE AT G.S. ROAD, DISPUR,
GUWAHATI.

VERSUS

SMTI HIRUMANI LAHKAR KALITA AND 3 ORS
W/O LATE BHASKARJYOTI KALITA, R/O VILL. RAYPUR, P.S.
PATACHARKUCHI, DIST. BARPETA (ASSAM), PIN 781326

2:SMTI MANIKA PRABHA KALITA
W/O SRI TARUN CH.KALITA
R/O VILL. RAYPUR
P.S. PATACHARKUCHI
DIST. BARPETA (ASSAM)
PIN 781326

3:SRI TARUN CH. KALITA
S/O LATE DEBIRAM KALITA
R/O VILL. RAYPUR
P.S. PATACHARKUCHI
DIST. BARPETA (ASSAM)
PIN 781326

4:MISS MRIGAKSHI KASHYAP
D/O LATE BHASKARJYOTI KALITA
R/O VILL. RAYPUR
P.S. PATACHARKUCHI
DIST. BARPETA (ASSAM)
PIN 781326 (RESPONDENT NO. 4 BEING MINOR IS REPRESENTED BY
LEGAL GUARDIAN I.E. RESPONDENT NO. 1 (MOTHER))

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

Advocate for the Respondent : MR. B K JAIN (R 1 - 4), MS. O PHUKAN (R - 4)

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

ORDER

14.09.2024

This is an appeal filed by the appellant-United India Insurance Company Ltd. (for short Insurance Company) against the judgment and award dated 08.09.2017 passed by the Learned Member, Motor Accident Claims Tribunal, Barpeta in MAC Case No. 384/2016.

2. Shri A. Munin Choudhury, Regional Manager of the Insurance Company and the claimant no. 1 - Smt. Hirumani Lahkar Kalita and the claimant no. 2 – Makoni Prabha Kalita along with their learned counsel, Shri H.B. Das are present today i.e., 14.09.2024 in the National Lok Adalat.

3. It has been clarified that in the Award, the name of the claimant no. 2 has been erroneously written as Manika Prabha Kalita instead of Makoni Prabha Kalita.

4. It is submitted that an amount of Rs.10,64,000/- was deposited by the Insurance Company which has also been withdrawn by the claimants.

5. The parties present before this Court jointly submit that the matter has been settled between the parties and an additional amount of Rs.9,00,000/- (Rupees nine lacs) has been agreed upon.

6. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the additional amount of Rs.9,00,000/-

(Rupees nine lacs) being the full and final settlement before the Motor Accident Claims Tribunal, Barpeta within a period of 45 days from today.

7. The manner of release of the aforesaid amount would be in the following terms:

i) Out of the aforesaid awarded amount of Rs.9,00,000/-, Rs.4,00,000/-, is directed to be released to the claimant no. 1 – Smti. Hirumani Lahkar Kalita (wife) and Rs.2,00,000/- is directed to be released to the claimant no. 2 – Smti. Makoni Prabha Kalita (mother) and remaining amount of Rs.3,00,000/- is directed to be deposited in a Fixed Deposit scheme in the names of claimant no. 4- Miss Mrigakshi Kashyap (minor daughter) in any nationalized bank for a period of 3 years.

8. It is informed that the claimant no. 3 – Shri Tarun Ch. Kalita (father) has passed away, in the meantime.

9. The claimant nos. 1 and 2 would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel.

10. 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.

11. Send back the LCR.

JUDGE

Comparing Assistant