

GAHC010068282023



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

Case No. : MACApp./124/2023

THE ORIENTAL INSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, REP. BY ITS
REGIONAL MANAGER, ULUBARI, GUWAHATI- 7, DIST.- KAMRUP , ASSAM.

VERSUS

LAXMI MALI @ LAXMI MALAKAR @ LAXMI MALAE @ LAXMI BASFORE
@ LAKHI BASPAR AND 8 ORS.
W/O LATE MITHU MALAKAR,

2:RITHIK MALI @ RITHIK MALAKAR
S/O LATE MITHU MALAKAR

3:RADHIKA MALI @ RADHIKA MALAKAR
D/O LATE MITHU MALAKAR

4:KAJAL MALI
D/O LATE MITHU MALAKAR

5:DEB MALI
S/O LATE MITHU MALAKAR

ALL ARE R/O JAIL ROAD
POLICE RESERVE
SILCHAR TOWN
WARD NO. 25
P.O. AND P.S.- SILCHAR
DIST.- CACHAR (ASSAM).

6:PURVANCHAL COMMUNICATION PRIVATE LIMITED
C/O SAHIB NARAIN
4TH FLOOR

BORDOICHILA BHAWAN (K)
ABOVE SAMSUNG PLAZA
G.S. ROAD
BHANGAGHAR
GUWAHATI- 05
DIST.- KAMRUP (M)
ASSAM
PIN- 781005.

7:SABITA BALMIKA
W/O SANJEET BALMIKA

C/O PINAKPANI CHAKRABORTY
VIVEKANANDA ROAD
OPPOSITE LANE NO. 17
HOUSE NO. 62
P.O. AND P.S.- SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788007.

8:RAM BAHADUR GURUNG
S/O MON BAHADUR GURUNG

R.M.S. OFFICE
TARAPUR
P.O. AND P.S.- SILCHAR
DIST.- CACHAR
ASSAM.

9:THE ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED
REP. BY THE DIVISIONAL MANAGER
MAYUR GARDEN
ABC BUS STOP
G.S. ROAD (OPP. RAJIV BHAWAN) GUWAHATI- 05
DIST.- KAMRUP
ASSAM

Advocate for the Petitioner : MR. S K GOSWAMI, MR. R SHARMA

Advocate for the Respondent : MR A B DEY (r-1 & 4), MR. S SUTRADHAR (R-7)

NATIONAL LOK ADALAT

(HELD ON 14TH OF SEPTEMBER, 2024)

MAC.App./124/2023

:::BEFORE:::

HON'BLE MRS. JUSTICE MITALI THAKURIA

Name of the Conciliators:

1. Mr. Santanu Kumar Das
2. Ms. Ritamani Goswami

ORDER

The case is put up before the National Lok Adalat.

The Insurance Company is represented by its officials.

The claimants, are duly present along with the engaged counsel.

It is submitted that the earlier awarded amount was Rs.18,03,500/-(Rupees eighteen lakhs three thousand five hundred) only and out of which, the Insurance Company has already deposited an amount of Rs. 9,01,750/- (Rupees nine lakhs one thousand seven hundred fifty) only.

Both the parties are agreed to settle the matter on an amount of Rs. 20,35,000/- (Rupees twenty lakhs thirty-five thousand) as full and final settlement and since an amount of Rs. 9,01,750/- (Rupees nine lakhs one thousand seven hundred fifty) only has already been deposited by the Insurance Company, they are ready to pay the remaining amount of Rs. 11,33,250/- (Rupees eleven lakhs thirty-three thousand two hundred fifty) only towards the settlement amount.

Accordingly, the appellant/Oriental Insurance Co. Ltd. is hereby directed to deposit the remaining amount of Rs. 11,33,250/- (Rupees eleven lakhs thirty-three thousand two hundred fifty) only before the Registry of this Court within a period of 1 (one) month from today and the claimants will be at liberty to withdraw the same, along with the earlier deposited amount of Rs. 9,01,750/- (Rupees nine lakhs one thousand seven hundred fifty) only, if not already withdrawn, on being proper identification of the claimant's bank details, Aadhar Card, Pan Card etc.

However, it is provided that from the said remaining amount, Rs. 11,33,250/- (Rupees eleven lakhs thirty-three thousand two hundred fifty) only, 1 (one) lakh each shall be fixed in the name of the three children namely Rithik Mali @ Rithik Malakar, Radhika Mali @ Radhika Malakar and Deb Mali, i.e. the claimant Nos.2, 3 and 5 in any nationalized bank and the remaining amount shall be equally divided between the claimant Nos. 1 and 4, i.e. the wives of the deceased.

Registry is further directed to return the statutory deposited amount of Rs. 25,000/- (Rupees twenty five thousand) only to the Insurance Company.

The appeal stands disposed of in terms above.

JUDGE

Comparing Assistant