

GAHC010078452022



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

Case No. : MACApp./238/2022

THE ORIENTAL INSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956.
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI 7

VERSUS

MRIDULA SINHA AND 4 ORS.
W/O LATE DEBASISH SINHA,
RESIDENT OF VILLAGE KANAIBAZAR, PO KANAIBAZARI, PS
PATHERKANDI, DIST KARIMGANJ, ASSAM 788701

2:SRI DEBANSHU SINHA
S/O LATE DEBASISH SINHA

RESIDENT OF VILLAGE KANAIBAZAR
PO KANAIBAZARI
PS PATHERKANDI
DIST KARIMGANJ
ASSAM 788701

3:SMTI GITALI SINHA

W/O LATE LAKHIKANTA SINHA
RESIDENT OF VILLAGE KANAIBAZAR
PO KANAIBAZARI
PS PATHERKANDI
DIST KARIMGANJ
ASSAM 788701

4:SRI AMIT SINHA
S/O BANSHI MOHON SINHA
RESIDENT OF VILLAGE KABIR GRAM

PO BHAGATPUR
DIST CACHAR
ASSAM 788007

5:SRI SHYAM BABU SINHA
S/O BABANI SINHA

RESIDENT OF VILLAGE SHIBORGOOL

PO AND PS BAZARICHERRA
DIST KARIMGANJ
ASSAM 78872

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

Advocate for the Respondent : MR K TARUNKUMAR, MR. A SHAKIL (r-1,2,3),MR. M TALUKDAR (r-1,2,3)

NATIONAL LOK ADALAT

(HELD ON 14TH OF SEPTEMBER, 2024)

:::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 claimant is duly present along with engaged counsel.

It is submitted that the total awarded amount was Rs. 14,14,000/- (Rupees fourteen lakhs fourteen thousand) only and out of which, the Insurance Company has already deposited an amount of Rs. 7,07,000/- (Rupees seven lakhs seven thousand) only and out of the same, Rs. 3,00,000/- (Rupees three lakhs) only has already been deposited in a nationalized bank in the name of respondent No. 2- Debanshu Sinha, (minor) as fixed deposit and remaining amount of Rs. 4,07,000/- only has already been withdrawn by the claimant No. 1.

Both the parties are agreed to settle the matter on an amount of Rs. 16,30,000/- (Rupees sixteen lakhs thirty thousand) only as full and final settlement and since an amount of Rs. 7,07,000/- (Rupees seven lakhs seven thousand) only has already been deposited by the Insurance Company, they are ready to pay the remaining amount of Rs. 9,23,000/- (Rupees nine lakhs twenty three thousand) only towards the settlement amount.

Accordingly, the appellant/Oriental Insurance Co. Ltd. is hereby directed to deposit the remaining amount of Rs. 9,23,000/- (Rupees nine lakhs twenty three thousand) only before the Registry of this Court within a period of 1 (one) month from today.

However, it is provided that from the said remaining amount, Rs. 3,50,000/- (Rupees three lakhs fifty thousand) only be given to the mother of the deceased and Rs. 5,73,000/- (Rupees five lakhs seventy three thousand) only be given to the claimant No. 1.

Both the mother of the deceased as well as the claimant No. 1 will be at liberty to withdraw their respective shares of remaining amount, which will be deposited by the Insurance Company before the Registry, on being proper verification and identification by the concerned counsel of the case.

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