

GAHC010089402022



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

Case No. : MACApp./240/2022

THE NATIONAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT 3 MIDDLETON STREET, KOLKATTA,
700071 AND REGIONAL OFFICE AT GS ROAD BHANGAGARH ,SILCHAR 5,
REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE,
SILCHAR, INSURER OF THE VEHICLE NO AS-11-A-5974(407 TRUCK)

VERSUS

SMTI ANUPAMA MITRA @ DEY AND 5 ORS
W/O LATE AJIT DEY , D/O SRI SUBAL MITRA, PERMANENT RESIDENT OF
VILLAGE SILDUBI GRANT, PO SILDUBI, PS SONAI,DIST CACHAR,
ASSAM,788001 AND PRESENT ADDRESS OF RAMKRISHNA SARANI, SONAI
ROAD, PO SILCHAR, PS SILCHAR, DIST CACHAR, ASSAM, 788006

2:MASTER ANUP DEY
S/O LATE AJIT DEY

D/O SRI SUBAL MITRA

PERMANENT RESIDENT OF VILLAGE SILDUBI GRANT
PO SILDUBI
PS SONAI
DIST CACHAR
ASSAM
788001
AND PRESENT ADDRESS OF RAMKRISHNA SARANI
SONAI ROAD
PO SILCHAR
PS SILCHAR
DIST CACHAR
ASSAM
788006

3:SRI NIRANJAN DEY
S/O LATE SARADA DEY
D/O SRI SUBAL MITRA

PERMANENT RESIDENT OF VILLAGE SILDUBI GRANT
PO SILDUBI
PS SONAI
DIST CACHAR
ASSAM
788001

AND PRESENT ADDRESS OF RAMKRISHNA SARANI
SONAI ROAD
PO SILCHAR
PS SILCHAR
DIST CACHAR
ASSAM
788006

4:SMTI. ARATI DEY
W/O LATE NIRANJAN DEY
D/O SRI SUBAL MITRA

PERMANENT RESIDENT OF VILLAGE SILDUBI GRANT
PO SILDUBI
PS SONAI
DIST CACHAR
ASSAM
788001

AND PRESENT ADDRESS OF RAMKRISHNA SARANI
SONAI ROAD
PO SILCHAR
PS SILCHAR
DIST CACHAR
ASSAM
78800

Advocate for the Petitioner : MR. A DUTTA, MR. S. PEGU,MR. A J SAIKIA,MRS. P M DUTTA

Advocate for the Respondent : MR. A K DUTTA, MR. B PURKAYASTHA,MR A B DEY,MR. S
SUTRADHAR

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14.12.2024

Mr. Debojit Sarkar, Assistant Manager, National Insurance Co. Ltd., along with Mr. R. Goswami, learned counsel is present.

2. Smt. Anupama Mitra @ Dey, respondent no.1/ claimant is present along with Mr. A.B. Dey, learned counsel at Guwahati. Anup Dey, respondent no.2 and Smt. Arati Dey, respondent no.3/ claimant no.4, who has appeared through video conferencing and are seen in the presence of Mrs. Salma Sultana, the Secretary, DLSA, Cachar. Mr. A.B. Dey, learned counsel for the respondent is present.

3. After negotiated settlement, the parties have agreed for a total settlement amount of Rs.19,75,000/- (Rupees nineteen lakh seventy five thousand only) as full and final settlement of all the claims of the respondent nos. 1, 2 and 3 against the judgment and award dated 28.06.2018, passed by the learned MACT, Cachar in MAC Case No.980/2012. It is submitted that a sum of Rs.7,86,500/- (Rupees seven lakh eighty six thousand five hundred only) has already been deposited before the Registry of this Court.

4. 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.

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

6. Accordingly, the National Insurance Co. Ltd. appellant shall deposit the balance amount of Rs.11,88,500/- (Rupees eleven lakh eighty eight thousand only) in favour of the respondent nos.1, 2 and 3 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.

7. As per the order of the learned MACT, Cachar, the share of respondent nos. 1 and 2 is apportioned at 70% which comes to Rs.4,15,975/- each and the share of respondent no.3 (claimant no.4) is apportioned at 30% which comes to Rs.3,56,550/-. Accordingly, on such deposit being made, the Registry shall disburse the apportioned share to the respondent nos. 1, 2 and 3 on satisfaction of their identity.

8. The Secretary, DLSA, Cachar shall record the signatures of the respondents about the settlement and transmit the same to the Registry of this Court.

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

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

JUDGE

Comparing Assistant