

GAHC010202272024



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

Case No. : I.A.(Civil)/3169/2024

UNITED INDIA INSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 24, WHITE ROAD,
CHENNAI AND ITS REGIONAL OFFICE AT GS ROAD, DISPUR, GUWAHATI

VERSUS

SMTI ANJALI SUTRADHAR 2 ORS
W/O SRI AMAR SUTRADHAR R/O VILLAGE CHITHILA MISTRIPARA PS
FAKIRAGRAM DIST KOKRAJHAR(BTC), ASSAM. PIN 783345 (CLAIMANT)

Advocate for the Petitioner : MR. R GOSWAMI,

Advocate for the Respondent : MR. I A TALUKDAR,

Linked Case : MACApp./535/2018

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DIST KOKRAJHAR(BTC)
ASSAM. PIN 783345
(CLAIMANT)

2:MD. AMINUR ALI
S/O LATE SAHABUDDIN SK.
R/O VILLAGE BINNACHARA
PO CHITHILA PS FAKIRAGRAM
DISTRICT KOKRAJHAR
BTC
ASSAM
PIN 783345
OWNER OF THE VEHICLE NO. AS-16/A-6072(MARUTI VAN)

3:SRI PARITOSH SUTRADHAR
S/O SRI JYOSNA SUTRADHAR
R/O VILLAGE CHITHILA MISTRIPARA
PS FAKIRAGRAM
PO CHITHILA
DISTRICT KOKRAJHAR BTC
ASSAM
PIN 783345
DRIVER OF VEHICLE NO AS-16/A-6072(MARUTI VAN)

Advocate for : MR. R GOSWAMI
Advocate for : appearing for SMTI ANJALI SUTRADHAR 2 ORS

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 04-12-2024

Heard Mr. R. Goswami, learned counsel for the appellant and Mr. I.A. Talukdar, learned counsel appearing on behalf of the respondent No.1.

2. The appellant Insurance Company filed this appeal challenging the judgment and award dated 8.9.2017, passed in MAC Case No.16/2016. In compliance of the order dated 8.8.2019 passed in I.A.(Civil) 2081/2018, in the

appeal, the Insurance Company has deposited 50% of the total awarded amounts, amounting to Rs.36,500/- before the Registry of this Court. The said 50% deposited amount amounting to Rs.36,000/ has been released and received by the respondents/claimants.

3. Today, the appellant and the respondent/claimant jointly filed one I.A. (Civil)3169/2024 in present appeal stating that the matter has been mutually settled between the parties outside the Court and prays that the matter may be closed in terms of the mutual sentiment between the parties.

4. Heard the submission of both the learned counsel for the parties. I have also seen the contention made in the I.A.(Civil) 3169/2024 filed and signed by both the parties. The relevant portion of the paragraph 3 of the IA is important which is reproduced below: -

“.....Therefore since both the parties have come to an amicable settlement at Rs.66,000.00/-(Rupees Sixty Six Thousand only) inclusive of interest as full and final amount towards settlement only the amount of Rs.66,000.00/-(Rupees Sixty Six Thousand only) will be deposited after once order is passed before the registry of this Hon’ble Court by the petitioner/appellant Insurance Company.”

5. In view of the above settlement, and the submission made by both the learned counsel for the parties, this appeal is disposed of with the direction to the appellant/Insurance Company to deposit the sum of Rs.66,000.00/-(Rupees Sixty-Six Thousand only) before the Registry within 4(four) weeks from today in terms of the mutual settlement arrived between the parties.

6. On such deposit being made by the appellant, the Registry shall release the said amount to the respondents/claimants on proper identification.

7. Registry is also directed to refund the statutory deposit of Rs.25,000/- to

the appellant.

With the above observation, the appeal as well as the IA stands disposed of in terms.

LCR, if any, be sent back.

JUDGE

Comparing Assistant