

GAHC010117222020



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

Case No. : MACApp./80/2021

NEW INDIA ASSURANCE CO. LTD.
A CO. REGISTERED UNDER THE COMPANIES ACT, 1956 REPRESENTED BY
ITS REGIONAL MANAGER, G.S. ROAD, GUWAHATI-7

VERSUS

RASHIDA BEGUM AND 6 ORS (E)
W/O LATE RAFIK ALI, R/O VILL. KANDAPARA UNDER P.O. KADONG, P.S.
BARPETA, DIST. BARPETA, ASSAM 781314

2:RUFIDA KHATUN (MINOR DAUGHTER)
D/O LATE RAFTIK ALI
R/O VILL. KANDAPARA UNDER P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM 781314

3:RUBIA KHATUN (MINOR DAUGHTER)
D/O LATE RAFIK ALI
R/O VILL. KANDAPARA UNDER P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM 781314

4:JAMIRAN NESSA (MOTHER)
M/O LATE RAFIK ALI
R/O VILL. KANDAPARA UNDER P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM 781314

5:TAHAJ UDDIN (FATHER)

F/O LATE RAFTIK ALI
(RESPONDENT NO. 2 AND 3 BEING MINOR ARE REPRESENTED BY THEIR
NATURAL GUARDIAN I.E.MOTHER
RASHIDA BEGUM
THE RESPONDENT NO. 1) R/O VILL. KANDAPARA UNDER P.O. KADONG
P.S. BARPETA
DIST. BARPETA
ASSAM 781314

6:REZAUL HAQUE
C/O MAZID MALLIK
R/O VILL. AND P.O SATRAKANARA
P.S. BAGHBAR
DIST. BARPETA
ASSAM 781308

7:SHAHANUR ISLAM
S/O SHUKUR ALI
R/O VILL. AND P.O. BALIKURI
P.S. KALGACHIA
DIST. BARPETA
ASSAM 78131

Advocate for the Petitioner : MRS B ACHARYA, MR. A ACHARYA

Advocate for the Respondent : MR. M AHMED (r-1 to 5), MR D MONDAL (r-1 to 5)

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 claimants are duly present along with engaged counsel.

It is submitted that the earlier awarded amount was Rs. 19,33,600/- (Rupees nineteen lakhs thirty three thousand six hundred) only and out of which, Rs. 5,80,080/- (Rupees five lakhs eighty thousand eighty) only has already been paid by the Insurance Company and the same is also distributed amongst the claimants in terms of the order passed by the learned Tribunal.

Both the parties are agreed to settle the matter on an amount of Rs. 17,25,000/- (Rupees seventeen lakhs twenty five thousand) only as full and final settlement and since the Insurance Company has already paid an amount of Rs.

5,80,080/- (Rupees five lakhs eighty thousand eighty) only to the claimants, they are ready to pay the remaining amount of Rs. 11,44,920/- (Rupees eleven lakhs forty four thousand nine hundred twenty) only to the claimants.

Accordingly, the appellant/New India Assurance Company Ltd. is hereby directed to deposit the remaining amount of Rs. 11,44,920/- (Rupees eleven lakhs forty four thousand nine hundred twenty) only before the Registry of this Court within a period of 1 (one) month from today and out of the said amount, Rs. 1,00,000/- (Rupees one lakhs) only each be deposited in the name of the 2 (two) minor children as fixed deposit in any nationalized bank till they attain their majority and Rs. 3,00,000/- (Rupees three lakhs) only be paid to the claimant/mother of the deceased and thereafter the balance amount be released in favour of the claimant No. 1- Rashida Begum.

Accordingly, the claimants will be at liberty to withdraw the same on being proper verification and identification by the engaged counsel of the case.

Registry to return the statutory deposited amount, if any, to the Insurance Company.

The appeal stands disposed of in terms above.

JUDGE

Comparing Assistant