

GAHC010117982022



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

Case No. : MACApp./326/2023

PIYARA BIBI AND 5 ORS.
W/O LATE BAKKAR ALI RESIDENT OF VILLAGE NO. 1 KAWADI, PO
PATILADOHA, PS MANIKPUR, DIST BONGAIGAON, ASSAM

2: RAKIBUL ISLAM
S/O LATE BAKKAR ALI
RESIDENT OF VILLAGE NO. 1 KAWADI
PO PATILADOHA
PS MANIKPUR
DIST BONGAIGAON
ASSAM
TO BE REP. BY. PET. NO. 1

3: MD. RAFIKUL ISLAM
S/O LATE BAKKAR ALI
RESIDENT OF VILLAGE NO. 1 KAWADI
PO PATILADOHA
PS MANIKPUR
DIST BONGAIGAON
ASSAM
TO BE REP. BY. PET. NO. 1

4: REJAUL HOQUE
S/O LATE BAKKAR ALI
RESIDENT OF VILLAGE NO. 1 KAWADI
PO PATILADOHA
PS MANIKPUR
DIST BONGAIGAON
ASSAM
TO BE REP. BY. PET. NO. 1

5: BACHIRAN BIBI
W/O LATE ABDUL CHATTAR
RESIDENT OF VILLAGE NO. 1 KAWADI

PO PATILADOHA
PS MANIKPUR
DIST BONGAIGAON
ASSAM

6: ABDUL CHATTAR
S/O LATE GOFUR ALI
RESIDENT OF VILLAGE NO. 1 KAWADI
PO PATILADOHA
PS MANIKPUR
DIST BONGAIGAON
ASSA

VERSUS

UNITED INDIA INSURANCE COMPANY LTD. AND 2 ORS. H
REPRESENTED BY ITS DIVISIONAL MANAGER, BONGAIGAON DIVISION,
BONGAIGAON, ASSAM 783380

2:M/S GALEXY ENTERPRISE
PROPRIETOR NAREN TAMULY
NAHARKATIA DIGHALA PATHER
NAHARKATIA
DIBRUGARH
DIST BONGAIGAON
ASSAM 786602

3:ROHIT MANKI
S/O RAJAN MANKI
C/O NAREN TAMULY
NAHARKATIA DIGHALA PATHER
NAHARKATIA
DIBRUGARH
DIST BONGAIGAON
ASSAM 78660

Advocate for the Petitioner : MR. J RAHMAN, MR. A BURAGOHAIN, MR. M KHAN

Advocate for the Respondent : MR. K K BHATTA (r-1),

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.09.2024

The appeal has been filed by the appellants-claimants against the judgment and award dated 03.02.2022 passed by the Learned Member, Motor Accident Claims Tribunal, Bongaigaon in MAC Case No. 06/2019 praying for enhancement of the awarded amount of Rs.12,08,420/-.

2. Shri A. Munin Choudhury, Regional Manager of the United India Insurance Company Ltd. (for short Insurance Company) and the claimant no. 1 – Piyara Bibi, claimant no. 2 – Rakibul Islam, claimant no. 3 – Md. Rafikul Islam and claimant no. 4 – Rejaul Hoque along with his learned counsel, Shri AN Iqbal are present today i.e., 14.09.2024 in the National Lok Adalat.

3. The parties present before this Court jointly submit that the matter has been settled between the parties and an additional amount of Rs.4,50,000/- has been agreed upon.

4. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the additional amount of Rs.4,50,000/- being the full and final settlement before the Motor Accident Claims Tribunal, Bongaigaon within a period of 45 days from today.

5. The manner of release of the aforesaid amount would be in the following terms:

i) Out of the aforesaid awarded amount of Rs.4,50,000/-, Rs.1,50,000/- is directed to be released to the claimant no. 1 – Piyara Bibi (wife) and Rs.75,000/- each is directed to be released to the claimant no. 5 – Bachiran Bibi (mother) and the claimant no. 6 – Abdul Chattar (father) and an amount of Rs.50,000/- each is directed to be deposited in a Fixed Deposit scheme in the names of

claimant no. 2 – Rakibul Islam, claimant no. 3 – Md. Rafikul Islam and claimant no. 4 – Rejaul Hoque (all are sons of the deceased) in any nationalized bank for a period of 3 years.

6. The claimant nos.1, 5 and 6 would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel.

7. Send back the LCR.

JUDGE

Comparing Assistant