

GAHC010126622024



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

Case No. : MACApp./319/2024

UNITED INDIA INSURANCE COMPANY LIMITED
A PUBLIC SECTOR UNDERTAKING COMPANY, REGISTERED AND
INCORPORATED UNDER COMPANIES ACT, 1956, HAVING ITS REGISTERED
OFFICE AT 24 WHITES ROAD, CHENNAI- 600014 WITH ONE OF ITS
REGIONAL OFFICE AT CHIBBER HOUSE, 2ND FLOOR, G.S. ROAD,
GUWAHATI- 5, REP. BY ITS REGIONAL MANAGER, GUWAHATI, ASSAM-
781006.

VERSUS

KHANJILA BORO @ KANJILA BRAHMA AND ORS.
W/O LATE RANTU BORO @ RUNTU,
VILL.- SHALMARI, P.O.- BAGNAPARA, P.S.- BORBARI, DIST.- BAKSA
(BTAD), ASSAM, PIN0 781344.
PRESENTLY RESIDING AT-
SOUTH SARANIA, GUWAHATI- 7, P.O.- ULUBARI, P.S.- PALTANBAZAR,
DIST.- KAMRUP (M), ASSAM, PIN- 781007.

1.2:HARI HOR BORO
S/O LATE RANTU BORO @ RUNTU

VILL.- SHALMARI
P.O.- BAGNAPARA
P.S.- BORBARI
DIST.- BAKSA (BTAD)
ASSAM
PIN0 781344.
PRESENTLY RESIDING AT-
SOUTH SARANIA
GUWAHATI- 7
P.O.- ULUBARI
P.S.- PALTANBAZAR

DIST.- KAMRUP (M)
ASSAM
PIN- 781007.

1.3:LAKSHMI DEVI BORO
D/O LATE RANTU BORO @ RUNTU

VILL.- SHALMARI
P.O.- BAGNAPARA
P.S.- BORBARI
DIST.- BAKSA (BTAD)
ASSAM
PIN0 781344.
PRESENTLY RESIDING AT-
SOUTH SARANIA
GUWAHATI- 7
P.O.- ULUBARI
P.S.- PALTANBAZAR
DIST.- KAMRUP (M)
ASSAM
PIN- 781007.

1.4:NILA BORO
D/O LATE RANTU BORO @ RUNTU

VILL.- SHALMARI
P.O.- BAGNAPARA
P.S.- BORBARI
DIST.- BAKSA (BTAD)
ASSAM
PIN0 781344.
PRESENTLY RESIDING AT-
SOUTH SARANIA
GUWAHATI- 7
P.O.- ULUBARI
P.S.- PALTANBAZAR
DIST.- KAMRUP (M)
ASSAM
PIN- 781007.

2:SAMAR KALITA
S/O KUMUD KALITA

VILL.- KALUBARI
P.O. AND P.S.- NAGAREBARA
DIST.- KAMRUP
ASSAM
PIN- 785181.

3:AHED ALI
S/O LATE KARSED ALI

VILL.- KARARA
BAIHATA CHARALI
P.O. AND P.S.- KAMRUP
ASSAM
PIN- 781381.

4:MAGMA HDI GENERAL INSURANCE COMPANY LIMITED
REP. BY ITS REGIONAL MANAGER
THE REGIONAL OFFICE SITUATED AT BLOCK- 3B
B-202
ECOSPACE BUSINESS
PARKAMBUJHA REALITY CAMPUS
ACTION AREA II 0
NORTH TWENTY FOUR PARGANAS
WEST BENGAL (STATE CODE- 19)
700156.

5:SURESH DAS
S/O LOHIT DAS

VILL.- KALAKUCHI
SATGAON
P.O. AND P.S.- KAMALPUR
DIST.- KAMRUP
ASSAM
PIN- 78

Advocate for the Petitioner : MR. R C PAUL,

Advocate for the Respondent : MR. A T SARKAR (R-1,1.4), MR A HUSSAIN (R-1,1.4)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.09.2024

This is an appeal filed by the appellant-United India Insurance Company Ltd. (for short Insurance Company) against the judgment and award dated 10.04.2024 passed by the Learned Member, Motor Accident Claims Tribunal

No.2, Kamrup (M) in MAC Case No. 165/2019.

2. Shri A. Munin Choudhury, Regional Manager of the Insurance Company and the claimant no. 1(a) – Smti Khanjila Boro @ Kanjila Brahma (wife), claimant no. 1(b) – Hari Hor Boro, claimant no. 1(c) – Miss Lakshmi Devi Boro and claimant no. 1(d) – Miss Nila Boro (mother) along with their learned counsel, Shri A. Hussain are present today i.e., 14.09.2024 in the National Lok Adalat.

3. It is submitted that an amount of Rs.15,00,000/- was deposited by the Insurance Company which has also been withdrawn by the claimants.

4. The parties present before this Court jointly submit that the matter has been settled between the parties and an additional amount of Rs.11,00,000/- has been agreed upon.

5. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the additional amount of Rs.11,00,000/- being the full and final settlement before the Motor Accident Claims Tribunal No. 2, Kamrup (M) within a period of 45 days from today.

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

- i) Out of the aforesaid awarded amount of Rs.11,00,000/-, Rs.4,00,000/-, is directed to be released to the claimant no. 1(a) – Smti. Khanjila Boro @ Kanjila Brahma (wife) and Rs.3,00,000/- is directed to be released to the claimant no. 1(d) – Miss Nila Boro (mother) and an amount of Rs.2,00,000/- each is directed to be deposited in a Fixed Deposit scheme in the names of claimant no. 1(b) – Hari Hor Boro and the claimant no. 1(c) – Miss Lakshmi Devi

Boro in any nationalized bank for a period of 3 years.

7. The claimant nos. 1(a) and 1(d) would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel.
8. The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded to the Insurance Company within a period of 30 days.

JUDGE

Comparing Assistant