

GAHC010130472017



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

Case No. : MACApp./238/2017

MRS MOUSUMI NEOG and 2 ORS
W/O LATE DEBA KUMAR NEOG

2: JATIN NEOG
S/O LATE DEBA KUMAR NEOG

3: JAYANTA NEOG

S/O LATE DEBA KUMAR NEOG
ALL ARE PERMANENT R/O VILL. NO. 2 BALIJAN
BALIMARA
P.S. NAHARKATIA
DIST. DIBRUGARH
ASSAM
PRESENTLY RESIDING AT VILL BORBARI
P.S. DISPUR
GUWAHATI
DIST. KAMRUP M
ASSAM

VERSUS

SRI RAJIB BHATTACHARJEE and ANR
S/O LATE H.N. BHATTACHARJEE, VILL.LANGKASHI, MILANJYOTI, P.S.
BORDUBI, DIST. TINSUKIA, ASSAM 786125

2:M/S NATIONAL INSURANCE CO LTD.

REGIONAL OFFICE
G.S. ROAD
BHANGAGARH
GUWAHATI-05
KAMRUP
ASSAM

Advocate for the Petitioner : MR. K K DUTTA, MR.A DEKA,MR.B GOGOI,MR.D SAIKIA,MR.P NAYAK,MR.R BARUAH

Advocate for the Respondent : MR. R GOSWAMI (R 2), MS N J DAS,MS. M SAIKIA (R 2),MS. P BORTHAKUR (R 2)

**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 21.09.2015 passed by the Learned Member, Motor Accident Claims Tribunal No. 3, Kamrup (M) in MAC Case No. 1826/2013.

2. Shri P.D. Bhutia, Regional Manager along with Shri Debajit Sarka, Assistant Manager of the National Insurance Company Ltd. (for short Insurance Company) and the claimant no. 2 – Shri Jatin Neog along with his learned counsel, Shri KK Dutta are present today i.e., 14.09.2024 in the National Lok Adalat.

3. It is submitted by Shri KK Dutta, learned counsel for the appellants / claimants that so far as the widow of late Deba Kumar Neog, claimant no. 1 – Mrs. Mousumi Neog and the claimant no. 2 – Jayanta Neog (son) are concerned, due to inconvenience, they could not be present and have authorized Shri Jatin Neog (son) to represent them.

4. The parties present before this Court jointly submit that the matter has been settled between the parties and a lump sum amount of Rs.95,00,000/- has been agreed upon.

5. In view of the above, the appeal stands closed with a direction that the

Insurance Company shall deposit the aforesaid amount of Rs.95,00,000/- being the full and final settlement before the Registry of this Court 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.95,00,000/-, Rs.35,00,000/- each is directed to be released to the claimant no. 2 – Shri Jatin Neog (son) and the claimant no. 3 – Shri Jayanta Neog (son) and the remaining amount of Rs.25,00,000/- is directed to be released to the claimant no. 1 – Mrs. Mousumi Neog (wife).

7. The claimants would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel.

8. Send back the LCR.

9. The authorization letter dated 13.09.2024 is made a part of the records.

JUDGE

Comparing Assistant