

GAHC010141812022



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

Case No. : MACApp./556/2022

THE NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED AND HEAD OFFICE AT NEW INDIA ASSURANCE
BUILDING, 87 MAHATMA GANDHI ROAD, FORT, MUMBAI 400001 AND ONE
OF THE REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH FLOOR, M.S.S
PATH, LACHIT NAGAR, GUWAHATI 781007 AND VARIOUS DIVISIONAL
BRANCH AND MICRO OFFICES, THROUHOUT THE COUNTRY

VERSUS

KALYANI BHATTACHARJEE AND 2 ORS. E
W/O LATE ARABINDA BHATTACHARJEE @ ARABINDA ABANTI
BHATTACHARJEE, RESIDENT OF SHAKTIGARH PATH, SHAKTI
APARTMENT, FLAT NO. D 1 BHANGAGARH, GUWAHATI 781005

2:MAHANANDA SAIKIA
S/O BIPIN SAIKIA
TEMPORARY RESIDENT OF C/O SHANKAR MANI BHARALI
RESIDENT OF RAJADUAR
PO AND PS NORTH GUWAHATI
781031
PERMANENT RESIDENT OF VILLAGE SALAGURI
PO SALAGURI
PS JAMUGURIHAT
DIST SONITPUR
ASSAM. 784180

3:KHAIRUL ISLAM
S/O HAFIZ UDDIN

RESIDENT OF VILLAGE DOLABARI
PO AND PS TEZPUR
DIST SONITPUR

ASSAM 78402

Advocate for the Petitioner : MR. A J SAIKIA

Advocate for the Respondent : MR A AGARWALA

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

09.03.2024

This is an appeal filed by the appellant- New India Assurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 09.03.2022 passed by the learned Member, MACT No. 2, Kamrup (M) in MAC Case No.1754/2018 whereby an amount of Rs.45,39,748/- along with interest @ 7.5% per annum, as compensation, was directed to be paid by the appellant-Insurance Company to the claimants-respondents. At the time of admission of this appeal, out of the aforesaid amount, Rs.22,69,874/- has already been paid.

Ms. Hena Haflongbar, Assistant Manager of the New India Assurance Company Ltd. and the claimant – Ananya Bhattacharjee (power of attorney holder) along with her counsel, Shri K. Ali are present today i.e., 09.03.2024 in the National Lok Adalat.

The parties present before this Court jointly submit that the matter has been settled outside the Court and an amount of Rs.49,00,000/- (Rupees forty nine lakh) including the interest component as full and final settlement has been agreed upon.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the balance amount of Rs.26,30,126/- (Rupees twenty six lakh, thirty thousand and one hundred twenty six) before the

Registry of this Court within a period of 45 days from today. Since the aforesaid amount is inclusive the interest component, TDS would be deducted on the said component.

The claimant would be at liberty to withdraw the balance amount on being properly identified by her learned counsel.

The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded by the Registry of this Court to the Insurance Company within the said period of 30 days.

The MAC appeal is accordingly disposed of.

JUDGE

Comparing Assistant